

IN THE

**United States Court of Appeals**  
**FOR THE ELEVENTH CIRCUIT**

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IRA KLEIMAN, as the Personal Representative  
of the ESTATE OF DAVID KLEIMAN,  
*Plaintiff-Appellant,*  
W&K INFO DEFENSE RESEARCH, LLC,  
*Plaintiff,*  
—v.—

CRAIG WRIGHT,  
*Defendant-Appellee.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

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**SUPPLEMENTAL APPENDIX**  
**VOLUME IX OF XVII**

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1 currently resides. Jimmy Nguyen was the CEO of nChain. And  
2 this is a business record. It is not hearsay. It establishes  
3 the corporate structure of nChain.

4 THE COURT: The objection is overruled. It will be  
5 admitted into evidence.

6 MS. MCGOVERN: If I could just say, emails are not  
7 business records, Your Honor. There was no foundation laid in  
8 his deposition.

9 THE COURT: Well, this speaks directly of the fund,  
10 the website. This person certainly has the capability to  
11 authenticate, and the objection is overruled with regard to  
12 403.

13 (Plaintiffs' Exhibit 403 received into evidence.)

14 MS. MCGOVERN: Your Honor, with respect to 457, this  
15 is a draft valuation done by a law firm in October of 2016.  
16 It's not relevant because they're valuing unspecified  
17 intellectual property long after Mr. Dave Kleiman died. It's  
18 hearsay and there's no authentication because Mr. Nguyen was  
19 not able to identify it, had not seen it.

20 There was no evidence that the person who in fact  
21 prepared the document had even any skills to prepare a  
22 valuation regarding intellectual property, which is a very  
23 specific thing to do. They are going to be introducing this  
24 draft document through someone who has never seen it, wasn't  
25 involved in it, and in fact testified he doesn't agree with it,

1 and it's improper.

2 MR. FREEDMAN: Your Honor, again, Jimmy Nguyen was the  
3 CEO of nChain at one time. I don't recall him testifying he  
4 didn't see the document. I don't doubt Ms. McGovern, but he  
5 did, in fact, produce it. So it was in his possession. That's  
6 the Bates label Nguyen at the bottom.

7 It is a clear business record. The fact that it says:  
8 "Draft" goes to its weight, not its admissibility. It valuates  
9 the IP holdings of the very company that holds the intellectual  
10 property Plaintiffs are seeking in this case.

11 THE COURT: Can you give me page and line with regard  
12 to Mr. Nguyen's testimony related to this exhibit?

13 MR. FREEDMAN: I don't have it, Your Honor.

14 THE COURT: Yes. Then I need to see where in fact he  
15 authenticated that document.

16 MR. FREEDMAN: Can we bring that for you tomorrow  
17 morning?

18 THE COURT: Certainly.

19 MS. MCGOVERN: Your Honor, with respect to the next --  
20 one, two, three, four -- five exhibits for Jimmy Nguyen -- for  
21 the record, 460, 492, 510, 511, and 512 -- these are interviews  
22 on media with Mr. Nguyen? They're hearsay and they are not  
23 relevant to anything in this case.

24 MR. FREEDMAN: Your Honor, I'd have to see -- I know  
25 that in a lot of interviews Dr. Wright is there, and those

1 interviews are being offered for Dr. Wright's statements. To  
2 the extent Dr. Wright does not appear in the interview, we will  
3 withdraw the --

4 THE COURT: Do you want to look at the five videos and  
5 let me know?

6 MR. FREEDMAN: Yes.

7 THE COURT: All right. And then the others to admit  
8 without objection. So no objection by the Defendant. Then  
9 with regard to Wilson, Watts, Warren, Andresen, those exhibits  
10 will be admitted into evidence; is that correct?

11 MS. MCGOVERN: Thank you, Your Honor.

12 THE COURT: All right. And then you're withdrawing  
13 P104. Are you also withdrawing P306, P441, P355, P362, P377,  
14 P380, and P385?

15 MR. FREEDMAN: Your Honor --

16 MR. BRENNER: And also P367.

17 THE COURT: I'm going to get to that. We've got  
18 Kobza.

19 MR. BRENNER: Yes as to those you just listed, Your  
20 Honor.

21 THE COURT: All right. And is the Plaintiff  
22 withdrawing P637 and P400?

23 MR. BRENNER: Yes.

24 THE COURT: Okay. The reason I say that is this  
25 document was handed to the Court, but it hasn't been

1 identified, nor has it been filed.

2 MR. BRENNER: Judge, as far as the ones that are being  
3 admitted without objection, do you want us to read those into  
4 the record or tender a list? How do you want to do that?

5 THE COURT: Let me go ahead and read them now.

6 MR. FREEDMAN: Your Honor, before you read the list,  
7 my partner just handed me the Jimmy Nguyen deposition. I think  
8 it is -- it's quite on point. It's Page 176. I can read it to  
9 you, if you would like, Your Honor.

10 THE COURT: Is that with regard to the Baker McKenzie.

11 MR. FREEDMAN: Yes. And it says -- it is document you  
12 produced over to us last evening with the Bates label Nguyen  
13 875, which is the same Bates on that document. And it says:  
14 "Do you see that?

15 "Yes, I do.

16 "Question: Hold on. Bear with me. Do you recognize  
17 this document?

18 "Answer: I do.

19 "Question: What is it?

20 "Answer: It is a draft IP valuation analysis from a  
21 firm called Baker McKenzie.

22 "Question: Did you receive this while you were  
23 working with nChain?

24 "Answer: I did.

25 "And is it an IP analysis that says EITC Holdings, but



1 that eventually became nChain?

2 "Yes."

3 THE COURT: Anything further with regard to 457?

4 MS. MCGOVERN: Your Honor, they have not established  
5 that Mr. Nguyen actually worked on the document. He became CFO  
6 after that document was created. It's part of the records.  
7 There was quite a dispute with respect to the production by  
8 Mr. Nguyen of documents for nChain, and they argued it and he  
9 produced a lot of stuff. But he is not saying that with  
10 respect to that draft analysis he was CFO at the time, he was  
11 involved in that document, and he stands behind that document;  
12 it's simply part of the production that he did.

13 MR. FREEDMAN: Not CFO. CEO.

14 MS. MCGOVERN: CEO. But the use of that document  
15 through Jimmy Nguyen is improper. The foundation has not been  
16 laid for the use of that draft analysis when he was not  
17 involved in it.

18 THE COURT: Well, wasn't he the CEO in October 2016?  
19 What was the date that he --

20 MR. FREEDMAN: Your Honor, I don't remember when  
21 exactly. But in the question I just read to you it says: "Did  
22 you receive this while you were working with nChain?"

23 "Answer: I did."

24 THE COURT: Okay. That's sufficient for the Court.  
25 The objection is overruled with regard to 457.

1 (Plaintiffs' Exhibit 457 received into evidence.)

2 THE COURT: All right. So you are going to let the  
3 Court know with regard to the videos of -- with regard to P460,  
4 P492, P510, P511, and P512.

5 MR. BRENNER: Right.

6 THE COURT: For the record, the documents admitted  
7 into evidence without objection are Joint Exhibit 114, P75,  
8 P78, P91, P92, P94, P96, P97, Joint Exhibit 9, P291, P305,  
9 Defense 3, Joint 3, Joint 24, P52, P53, P57, Joint 10, Joint  
10 11, P33, P349, P356, P361, P392, P405, P406, P407, P408, and  
11 P410.

12 Is that correct, Ms. McGovern?

13 MS. MCGOVERN: Yes, it is, Your Honor.

14 (JE114, P75, P78, P91, P92, P94, P96, P97, JE9, P291, P305,  
15 D3, JE3, JE24, P52, P53, P57, JE10, JE11, P33, P349, P356,  
16 P361, P392, P405, P406, P407, P408, and P410 received into  
17 evidence.)

18 THE COURT: All right. And I'm not certain if this  
19 was on the record. So let me just make sure that -- did we get  
20 an acknowledgment by the Plaintiff of the withdrawal of the  
21 exhibits?

22 MR. BRENNER: I think I did, but I'll acknowledge  
23 again, Your Honor. So the ones you read off, do you want me to  
24 read them into the record?

25 THE COURT: I can do that for you so -- because I need

1 acknowledgment by the Plaintiff.

2 The Plaintiff is withdrawing P140, P306, P441, P355,  
3 P362, P377, P380, P385, P637, and P400; is that correct?

4 MR. BRENNER: That is correct, Your Honor.

5 THE COURT: All right, then. Are there any other  
6 issues that we need to address this evening?

7 MS. MCGOVERN: Your Honor, there might be. I'm not  
8 sure that we need to do it right now, but I just want to raise  
9 because -- just to avoid time before the jury tomorrow.

10 We were advised by email today during the examination  
11 of Dr. Wright that the Plaintiffs might use the declaration of  
12 Brendan Sullivan and an article that he wrote, as redacted, in  
13 connection with Dr. Wright's testimony. We object to the use  
14 of that document on hearsay grounds, both with respect to the  
15 declaration, as well as the news article which is classic  
16 hearsay.

17 If it comes up, I think we should address it now, so  
18 we don't have to stop to do a sidebar and we have the  
19 opportunity to flesh it out.

20 THE COURT: Can you give me the exhibit number,  
21 please.

22 MS. MCGOVERN: I believe it's 489.

23 Can you confirm?

24 MR. FREEDMAN: P438.

25 MS. MCGOVERN: If you would like, I can --

1 MR. FREEDMAN: Your Honor, if it's okay with the  
2 Court, we can put the suggested redactions up on the screen in  
3 front of the Court.

4 Your Honor, for context, this is the interview after  
5 Judge Reinhart enters his sanctions order, which this Court  
6 eventually overturned. Dr. Wright walks outside and gets on  
7 the phone with Brendan Sullivan for an interview. We  
8 understand the Court is obviously not going to allow any kind  
9 of reference to the sanctions ruling. It is heavily redacted.  
10 The only portions that remain unredacted are Mr. Sullivan's  
11 statements -- are Dr. Wright's statements to Mr. Sullivan about  
12 Dave Kleiman being Satoshi, his partner, and that sort of  
13 thing.

14 THE COURT: But this is entirely related to Judge  
15 Reinhart's ruling, correct?

16 MS. MCGOVERN: Your Honor, we believe that it is.  
17 There's a threshold problem which is that it's an affidavit.  
18 This is not subject to cross-examination. It's not a  
19 deposition. This is not an O'Hagan situation where Mr. O'Hagan  
20 is testifying about what Dr. Wright told him as opposed to what  
21 his book says. This is Mr. Sullivan in a declaration,  
22 uncontroverted, when we didn't have the opportunity to even  
23 talk to him.

24 THE COURT: Right. He wasn't subject to  
25 cross-examination.

1 MS. MCGOVERN: No, he was not.

2 MR. FREEDMAN: Your Honor, we attempted to -- what  
3 happened was we attempted to get him to comply with the  
4 subpoena. He filed a motion to quash. No, but there's a  
5 reason to this, Your Honor. I know that's not enough. His  
6 lawyers filed a motion to quash and in so doing cited the  
7 Florida statute that allows for journalistic -- and I don't  
8 have the number off the top of my head.

9 MS. MCGOVERN: It's 90 -- go ahead.

10 MR. FREEDMAN: There's a Florida statute that allows  
11 the authentication of journalistic materials through affidavit.  
12 So it's not just -- you know, that's why we're trying to offer  
13 it. I don't have -- Ms. McGovern knows the statute.

14 MS. MCGOVERN: No. I mean, I think it's interesting.  
15 I mean, the Florida statute does not otherwise trump the  
16 hearsay rule with respect to the declaration. It's merely a  
17 statute that allows for authentication of journalistic  
18 materials.

19 What is sought to be introduced, if, in fact, it is  
20 the exhibit as proposed, is a declaration by a journalist who  
21 then attaches the article that he wrote with Dr. Wright after  
22 Judge Reinhart's ruling. The redaction seeks to cleanse the  
23 things that would be unduly prejudicial to Dr. Wright's  
24 statements after the hearing, but it is an article. It's a  
25 news article. It's a news article attached to an affidavit.

1           We've never spoken to Mr. Sullivan. His lawyer moved  
2           to quash, and the Plaintiffs were unable to overcome it. So he  
3           is a declarant who has never been in a deposition, in a hearing  
4           subject to cross-examination or otherwise. Clearly the article  
5           itself is -- not his testimony, the article itself -- is  
6           hearsay. So we object to the entire exhibit.

7           MR. FREEDMAN: Your Honor, I would say that obviously  
8           the statements of Dr. Wright are not hearsay. We don't need  
9           the declaration and we're not seeking to get the declaration  
10          in. It's just the relevant portions of the actual --

11          THE COURT: But it's hearsay within hearsay. I  
12          understand the exception with regard to Dr. Wright because he's  
13          a party opponent, but we still have an issue with regard to  
14          Brendan Sullivan, that Mr. Sullivan is not making any  
15          statements that are subject to cross-examination.

16          So I don't know how this satisfies the prong of being  
17          prior testimony that he had an opportunity to be questioned  
18          about. This is an article. This is an affidavit. And quite  
19          frankly, I do have some concern with regard to the reference to  
20          the hearing before Judge Reinhart.

21          MR. FREEDMAN: Your Honor, the only remaining argument  
22          I have for you, it's admissible under 804(b)(5), which is now  
23          807. Mr. Sullivan's declaration establishes that the  
24          statements in the article, which is a transcript of a  
25          conversation between himself and the Defendant, are supported

1 by sufficient guarantees of trustworthiness. The statements  
2 are more probative than any other evidence because the  
3 Plaintiffs cannot procure Mr. Sullivan's appearance at trial  
4 since he is a journalist and immune from a subpoena and resides  
5 outside the jurisdiction of the Court.

6 We have made a notice of Plaintiffs' intent to offer  
7 the statements and a fair opportunity to meet 807(b) since at  
8 least September 11, 2019 when Mr. Sullivan's declaration was  
9 received.

10 (Pause in proceedings.)

11 MR. FREEDMAN: Your Honor, in case I wasn't clear, I  
12 do not want his declaration in. We just want the statements of  
13 Dr. Wright in through the article, which purports to be a  
14 transcript. The declaration is merely meant to go to the  
15 admissibility and the trustworthiness of the document.

16 MS. MCGOVERN: Your Honor, news articles like Miami  
17 Herald articles, or any other articles, are inadmissible  
18 hearsay.

19 THE COURT: All right. Mr. Freedman, what I'll do is,  
20 because you're now for the first time making an argument with  
21 regard to 804(b)(5) -- and if you believe that there is a basis  
22 for this Court to even consider the admissibility, then I would  
23 suggest that you provide the Court with some authority.

24 MS. MCGOVERN: Your Honor, may we be provided an  
25 opportunity to file a one-page response to that issue? We can

1 do so tonight, Your Honor.

2 THE COURT: I know you're hard at work preparing for  
3 trial, so I don't need exhaustive briefing. If there's some  
4 authority that the Court is to consider, then you can certainly  
5 just give it to the Court tomorrow morning.

6 MS. MCGOVERN: Okay. Perfect, Your Honor.

7 THE COURT: I have two matters in the morning, but I  
8 can certainly review it. When do you intend to or when did you  
9 want to introduce this?

10 MR. FREEDMAN: Depends on how the cross-examination of  
11 Dr. Wright goes, Your Honor, but we certainly will not use  
12 it --

13 THE COURT: Would it be in the morning?

14 MR. FREEDMAN: We can wait until you've had an  
15 opportunity --

16 THE COURT: Okay. So you can give it to me and then I  
17 can at least rule on it before the afternoon.

18 Are there any other issues for the Court to be  
19 prepared for?

20 MR. FREEDMAN: Not from Plaintiffs, Your Honor.

21 MS. MCGOVERN: Not from Defendant, Your Honor. Thank  
22 you so much.

23 THE COURT: We do have two matters in the morning, so  
24 I would again just ask you to move your items. Because we do  
25 have one individual coming from being in custody, so we will



1 need this whole area.

2 If there's nothing further, have a nice evening. I'll  
3 see you tomorrow morning at 10:00.

4 (Proceedings adjourned at 5:57 p.m.)  
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1 UNITED STATES OF AMERICA )

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA )

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in  
6 and for the United States District Court for the Southern  
7 District of Florida, do hereby certify that I was present at  
8 and reported in machine shorthand the proceedings had the 8th  
9 day of November, 2021, in the above-mentioned court; and that  
10 the foregoing transcript is a true, correct, and complete  
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages  
13 1 - 255.

14 IN WITNESS WHEREOF, I have hereunto set my hand at  
15 Miami, Florida this 17th day of November, 2021.

16  
17 /s/Yvette Hernandez  
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98/18**MR. BRENNER: [86]**

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**MR. FREEDMAN:**

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**MR. FREEDMAN: . . .**

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**MR. LAGOS: [15]**

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**MR. RIVERO: [2]**

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**MR. ROCHE: [1]**

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**MR. ZACK: [1]**

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**MS. LICATA: [1]**

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**MS. MCGOVERN:**

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46/20 47/12 47/24	181/16 191/9	56/1 100/19 123/7
48/14 48/17 48/24	201/15 214/10	141/5 146/2 198/5
49/6 49/6 52/3	215/5 217/19	216/11
52/4 52/6 53/4	218/13 219/19	wrongdoing [2]
60/5 63/6 64/11	225/5 225/11	219/8 221/15
67/11 67/16 69/22	230/16 230/21	wrote [22] 12/17
73/11 73/11 75/23	240/6 241/4 244/1	14/6 16/14 16/15
80/19 81/12 82/17	248/13 249/11	16/16 17/7 59/1
82/18 83/23 85/3	250/23	59/9 61/6 61/8
85/4 87/15 89/8	Wright.docx [3]	62/17 63/25 64/7
89/11 91/8 91/13	87/1 87/3 158/20	65/25 71/13 79/3
93/6 103/8 103/24	write [30] 10/20	80/17 81/8 161/24
114/3 126/19	17/17 33/8 33/19	175/13 248/12
131/25 151/19	33/25 35/24 38/17	250/21
154/7 154/8 154/10	39/23 40/20 56/10	
155/23 156/5 160/8	57/21 58/17 62/5	<b>X</b>
160/21 161/21	62/16 62/17 66/25	Xero [2] 129/3
164/24 167/6	70/4 71/2 71/7	129/10
172/12 172/19	71/12 71/15 71/16	
176/25 177/9	77/5 77/7 81/11	<b>Y</b>
177/15 178/18	82/18 106/10 112/9	Yeah [1] 98/15
179/5 180/15	189/15 202/3	year [5] 120/19
185/19 187/6	writes [14] 19/20	120/19 235/23
195/23 203/2	61/25 62/3 64/2	235/24 240/8
203/13 204/12	65/4 65/13 65/13	years [32] 12/19
207/5 208/1 209/5	69/1 69/16 75/13	19/16 20/11 20/12
209/17 210/2	75/15 76/24 78/12	30/14 30/17 30/18
211/23 213/19	150/21	31/6 48/11 48/12
223/2 230/16 232/6	writing [19] 12/20	56/6 59/20 60/10
245/9 248/25	12/21 56/5 60/22	60/18 60/22 61/20
250/23 251/7	67/17 68/22 69/20	61/22 63/14 64/3
252/22 253/13	73/16 75/13 76/22	79/1 81/9 100/13
253/24	77/14 77/16 77/17	100/19 160/25
wouldn't [4] 64/7	77/18 78/5 79/17	170/18 171/10
149/16 206/13	82/1 134/2 141/7	171/10 173/22
209/16	written [17] 15/8	183/8 203/18 205/2
wound [1] 123/13	17/23 18/21 18/21	222/24
WRIGHT [507]	37/12 40/3 41/16	yes [421]
Wright's [31] 6/18	51/20 52/6 62/2	yesterday [1]
19/5 25/1 28/11	73/13 82/18 173/17	131/5

<p><b>Y</b></p> <p><b>yet</b> [3] 43/4 69/4 154/21</p> <p><b>you</b> [1373]</p> <p><b>you'll</b> [3] 140/24 141/3 228/1</p> <p><b>you're</b> [46] 20/3 26/6 30/16 68/23 77/6 81/13 81/13 96/19 98/6 100/16 100/17 102/2 106/25 107/5 109/25 111/13 121/22 126/21 128/3 128/15 128/21 128/22 142/7 143/22 152/3 152/5 152/19 154/3 165/17 183/2 196/1 198/16 206/13 206/14 206/25 208/7 209/11 209/12 210/5 210/7 211/21 212/2 236/19 244/12 252/20 253/2</p> <p><b>you've</b> [20] 104/3 113/19 115/2 115/5 115/5 115/11 121/18 122/3 127/10 129/20 142/12 143/2 143/7 145/13 160/22 198/19 211/5 237/25 238/17 253/14</p> <p><b>you.'</b> [1] 77/1</p> <p><b>your</b> [422]</p> <p><b>yours</b> [1] 67/7</p> <p><b>yourself</b> [15] 58/18 70/9 74/23 158/14 177/21 179/1 184/9 187/17</p>	<p>189/2 198/20 199/3 200/14 201/18 204/6 204/25</p> <p><b>yvette</b> [6] 1/23 1/25 255/5 255/17 255/17 255/19</p> <hr/> <p><b>Z</b></p> <p><b>ZACK</b> [2] 1/17 4/12</p> <p><b>ZALMAN</b> [2] 1/21 4/20</p> <p><b>zoom</b> [20] 92/22 92/23 95/13 98/3 100/1 103/1 103/3 118/14 130/2 132/5 132/16 137/19 158/25 181/3 181/16 184/20 188/22 191/10 201/15 203/22</p>	<p>USCA11 Case: 22-11150 Document: 53-9 Date Filed: 11/30/2022 Page: 129 of 254</p>
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**843**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
CASE NO. 9:18-cv-80176-BB

IRA KLEIMAN, as the personal representative  
of the Estate of David Kleiman, and W&K Info  
Defense Research, LLC,

Plaintiffs,

November 9, 2021  
10:09 a.m.

vs.

CRAIG WRIGHT,

Defendant.

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TRANSCRIPT OF TRIAL DAY 7  
BEFORE THE HONORABLE BETH BLOOM  
UNITED STATES DISTRICT JUDGE  
And a Jury of 10

Appearances:

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**I N D E X**

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**W I T N E S S**

**ON BEHALF OF THE PLAINTIFF:** PAGE

CRAIG WRIGHT  
CONTINUED DIRECT EXAMINATION BY MR. FREEDMAN 6

**E X H I B I T S**

<b>EX. NO.:</b>	<b>OFFERED</b>	<b>ADMITTED</b>
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Plaintiffs' 212	22	22
Plaintiffs' 112	25	25
Plaintiffs' 173	31	31
Plaintiffs' 742	33	33
Plaintiffs' 320	35	35
Plaintiffs' 607	41	41
Joint 14	43	43
Plaintiffs' 045	51	51
Plaintiffs' 381	59	59
Plaintiffs' 853.1	64	65
Plaintiffs' 117	66	66
Plaintiffs' 119	77	77
Plaintiffs' 864	81	81
Plaintiffs' 865	86	86
Plaintiffs' 591	99	99
Plaintiffs' 042	101	101
Plaintiffs' 048	103	104
Plaintiffs' 290	112	113
Plaintiffs' 823	119	119
Plaintiffs' 333	133	133
Plaintiffs' 129	146	146
Plaintiffs' 446	150	151
Plaintiffs' 554	153	153
Joint 120	160	160
Plaintiffs' 822	182	182
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Plaintiffs' 518	191	191
Joint 14	196	196
Plaintiffs' 522	205	205
Plaintiffs' 523	212	212
Plaintiffs' 091	221	222
Plaintiffs' 633	223	223

1 (Call to order of the Court, 10:09 a.m.)

2 THE COURT: Good morning. I apologize for the delay.  
3 We tried to schedule some hearings and finish on time. We were  
4 a few minutes late.

5 MS. MCGOVERN: Good morning, Your Honor.

6 THE COURT: Let me know when both sides are ready to  
7 proceed.

8 On behalf of the Plaintiffs.

9 MR. FREEDMAN: Plaintiffs are ready, Your Honor.

10 THE COURT: On behalf of the Defendant.

11 MS. MCGOVERN: Defendants are ready, Your Honor.

12 THE COURT: Let's go ahead and call the case and we  
13 can get started.

14 COURTROOM DEPUTY: Calling Civil Case No 18-80176, Ira  
15 Kleiman v. Dr. Wright.

16 Counsel, please state your appearances, starting with  
17 Plaintiffs' counsel.

18 MR. FREEDMAN: Good morning, Your Honor. Vel Freedman  
19 for the Plaintiffs.

20 MR. BRENNER: Good morning, Your Honor. Andrew  
21 Brenner for the Plaintiffs.

22 MR. ROCHE: Kyle Roche for Plaintiffs.

23 MR. ZACK: Steve Zack, Plaintiff.

24 MR. LAGOS: Stephen Lagos, Plaintiffs.

25 MR. FREEDMAN: Your Honor, with us at counsel table is

1 Ms. Dorian Vela, who helps with tech, and our client Ira  
2 Kleiman.

3 THE COURT: All right. Good morning to everyone.

4 MS. MCGOVERN: Good morning, Your Honor. Amanda  
5 McGovern for Dr. Craig Wright.

6 MR. RIVERO: Good morning, Your Honor. Andres Rivero  
7 for Dr. Wright.

8 MR. MESTRE: Morning, Your Honor. Jorge Mestre on  
9 behalf of Dr. Wright.

10 MR. KASS: Good morning, Your Honor. Zalman Kass on  
11 behalf of Dr. Wright.

12 MS. MCGOVERN: Your Honor, we also have Sarah  
13 Gonzalez, paralegal, with our team, Mr. Amit Shah, and of  
14 course Dr. Wright, who is on the stand.

15 THE COURT: Good morning to everyone.

16 Actually, we're going to bring in the jury, I believe.  
17 Is there anything we need to address?

18 MR. FREEDMAN: Just quickly. Yesterday you asked for  
19 authority on 807. We have some authority to hand up, just two  
20 cases. Your Honor, as we mentioned, Mr. Sullivan is  
21 unavailable and we believe that the declaration, which we're  
22 not seeking to get into evidence, just establishes sufficient  
23 trustworthiness that it should come in under 807, especially  
24 since there was no one else on the call except Dr. Wright and  
25 Mr. Sullivan.

1 MS. MCGOVERN: Your Honor, our position is this is  
2 double hearsay. This is a statement by a reporter with respect  
3 to what Dr. Wright said. We gave you a case, which is American  
4 Civil Liberties v. city of Las Vegas, which deals with a party  
5 opponent as it interplays with hearsay within a news article.

6 This was a news article which we would simply like to  
7 highlight for Your Honor. It's an interview that was taken on  
8 the heels of a very significant hearing and decision in this  
9 case, where Dr. Wright was sort of grabbed by the reporter and  
10 he made statements that were emotional. With respect to the  
11 trustworthiness, Your Honor, there was no opportunity to  
12 cross-examine this reporter to determine whether those  
13 statements were, in fact, complete or accurate.

14 So with respect to the party opponent aspect of it, we  
15 do not believe it satisfies the exception of 807.

16 The residual hearsay rule, Your Honor, is unusual.  
17 It's used in very exceptional circumstances. There's probably  
18 no better circumstance than this one that would show that that  
19 should not be --

20 THE COURT: All right. I understand the parties'  
21 positions and I'm happy to read the case law over the lunch  
22 break.

23 Anything further?

24 MR. FREEDMAN: No, Your Honor.

25 THE COURT: All right. Let's bring in the jury.

1 (Before the Jury, 10:12 a.m.)

2 THE COURT: All right. Good morning to each you.  
3 Please be seated.

4 It's good to see everyone this morning. Let me  
5 apologize for the delay. The fault, once again, is all mine.  
6 We have scheduled hearings in other matters from 9 to 10 and  
7 one of the hearings went a little bit later. So I apologize  
8 for the delay.

9 Dr. Wright, let me remind you, you were previously  
10 placed under oath, and we'll continue with the direct  
11 examination of Dr. Wright.

12 MR. FREEDMAN: May it please the Court.

13 DIRECT EXAMINATION [CONTINUED]

14 BY MR. FREEDMAN:

15 Q. Good morning, Dr. Wright.

16 A. Good morning.

17 Q. Dr. Wright, do you remember yesterday we went through the  
18 lawsuits in Australia about W&K?

19 A. I remember we covered that, yes.

20 Q. And you told the jury that Ms. Lynn Wright authorized you  
21 to file the documents you did on behalf of W&K, correct?

22 A. Correct, and the company. So there were two members.

23 Q. Dr. Wright, are you aware that your lawyers have indicated  
24 Ms. Wright is going to testify in this case by deposition?

25 A. I am.

1 Q. And are you aware that it is Ms. Wright's testimony,  
2 Ms. Lynn Wright's testimony, that she wasn't even aware of the  
3 lawsuits you filed against W&K in Australia?

4 A. I know she didn't remember a lot of things at that point.

5 Q. Dr. Wright, I want to reorient you to where we left off  
6 yesterday because we stopped in the middle of a little train of  
7 thought.

8 As you recall, we were going through some documents  
9 discussing your and Dave's joint mining of Bitcoin.

10 A. No. I agreed that there was no joint mining. So that's  
11 not correct.

12 Q. And you were here when opening statements were given, were  
13 you not?

14 A. Yes, I was.

15 Q. And you heard Ms. McGovern give her opening statement on  
16 your behalf, right?

17 A. I did.

18 Q. And you recall Ms. McGovern telling this jury there will be  
19 no evidence that there was a partnership between you and Dave  
20 to mine Bitcoin?

21 A. Yes, I do.

22 Q. Then, Dr. Wright, yesterday we went through a series of  
23 documents where in fact we did show that you and Dave Kleiman  
24 mined Bitcoin, did we not?

25 A. No. You demonstrated that I was running a Testnet machine



1 because I was trying to examine my invention and find out the  
2 flaws that I thought were there. So no, that's not actually  
3 mining. That's the way you're saying.

4 Q. That's the worthless Bitcoin, right?

5 A. It's not worthless.

6 Q. Sorry. Please finish your answer.

7 A. It is not worthless. I don't know if you understand the  
8 value of an idea. Silk Road happened in 2010. I'd spent  
9 decades working on this invention, and I thought I failed. I  
10 fell apart in 2010. My marriage fell apart because of it. My  
11 life fell apart.

12 So in 2011, Dave helped me, picked me up, and I tested my  
13 invention. I built computers, large ones, spent nearly all of  
14 the money I had from an IPO back in the '90s where I had an  
15 Internet company that I listed. I nearly wiped myself out  
16 proving that my idea is right, that Bitcoin does scale, that it  
17 does work, that it can be used without crime that can be  
18 traced. I don't know -- I don't know if you understand how  
19 valuable to someone like me knowing that you're right. It has  
20 no monetary value. I can't put a dollar value on it.

21 I spent tens of millions of dollars knowing that I wasn't  
22 wrong. I know that sounds stupid to everyone. I nearly  
23 bankrupted myself proving I wasn't wrong. But if you spend 20  
24 years -- I did eight degrees, eight master's degrees and a  
25 Ph.D. to understand the technology to make Bitcoin. I thought

1 I'd completely screwed up and made something that will enable  
2 criminals to sell drugs.

3 I used to be a pastor. I dropped out of the church. I  
4 thought I failed. Dave, in 2011 to 2013, helped me build a  
5 system that helped me recognize that I wasn't a complete  
6 failure, that I hadn't brought something evil into the world.  
7 So it had value. Yes.

8 Q. Can you sell that Bitcoin, Dr. Wright?

9 A. No.

10 Q. Because it disappears, right?

11 A. Ideas are worth money. Knowing that you have done  
12 something is worth -- that was worth it to me.

13 Q. Worth \$35 billion, Dr. Wright?

14 A. To me, if I was given \$300 billion to prove I was right, I  
15 would do it.

16 Q. Dr. Wright, after Ms. McGovern's opening statement about no  
17 evidence between you and Dave mining Bitcoin, we showed you  
18 Document 149.

19 MR. FREEDMAN: Ms. Vela, can you please put that on  
20 the screen. That's already in evidence.

21 BY MR. FREEDMAN

22 Q. What the bottom of that email is saying: "I was not the  
23 person doing the mining. Dave was."

24 Do you see that? No?

25 MR. FREEDMAN: Ms. Vela, can you zoom out of that,

1 please. Bottom of the first email. Last sentence, first  
2 email.

3 BY MR. FREEDMAN:

4 Q. "I was not the person doing the mining. Dave was."

5 Do you recall looking at that document?

6 A. Yes. I see the reference from December 2012 on, et cetera,  
7 yes.

8 Q. Then we looked at 464.

9 MR. FREEDMAN: Ms. Vela, Page 31.

10 BY MR. FREEDMAN:

11 Q. And here in the top email, you said: "I had Dave mine the  
12 Bitcoin overseas and all it has cost is sunk." That was in  
13 response to Mark Ferrier's question: "So, Craig, where did you  
14 get all of this from," right?

15 A. Again, this is what the document says and what I just said  
16 stands.

17 Q. A man you were paying for software, you were going to pay  
18 him in worthless disappearing Bitcoin?

19 A. No. As I said, the Bitcoin that I purchased, which, of  
20 course, you can check the blockchain has that, that Bitcoin was  
21 paid.

22 Q. So you had Dave mine the Bitcoin you purchased overseas?

23 A. No. The Bitcoin that was purchased overseas was not mined  
24 by me or anyone else I'm associated with. It can be traced on  
25 the blockchain.

1 Q. Does that email say: "I had Dave mine the Bitcoin  
2 overseas"?

3 A. It's talking about two different things.

4 Q. And then we looked at 189.

5 MR. FREEDMAN: Ms. Vela, Page 1. Also in evidence.

6 BY MR. FREEDMAN:

7 Q. Here you tell the Australian Tax Office, in the second  
8 paragraph: "The Bitcoin I control was mined in the U.S."

9 A. Again, we're talking about the Bitcoin purchased after 2011  
10 in this email. And this is control. This was a different  
11 thing. You're conflating two issues.

12 Q. And then we established that you were not in the U.S. at  
13 the time, right?

14 A. Although I had a company at one point that I didn't own  
15 directly but controlled.

16 Q. And Dave was in the U.S. at the time, right?

17 A. Dave wasn't part of that company, but yes, he was.

18 Q. And then we went to 122.

19 MR. FREEDMAN: Ms. Vela.

20 BY MR. FREEDMAN:

21 Q. And after seeing that you said he mined the Bitcoin in the  
22 U.S., we then --

23 MR. FREEDMAN: Ms. Vela, can you bring us to Page --  
24 here we go. Thank you -- 3.

25

1 BY MR. FREEDMAN:

2 Q. You then email Patrick Paige and Carter Conrad nine and a  
3 half months after Dave dies and you say: "Dave and I had a  
4 project in the U.S.," where you mined your Bitcoin, right?

5 A. No, that's not what I said.

6 Q. "He ran it there. We did what we kept secret. The company  
7 he ran there mined Bitcoin."

8 Do you see that, Dr. Wright?

9 A. I see that and I have explained.

10 Q. Then, Dr. Wright, we talked about John Chesher, who at some  
11 point interacted with the Australian Tax Office on behalf of  
12 your companies, correct?

13 A. At different times, yes, that's correct.

14 Q. That's where we left off, thereabouts.

15 MR. FREEDMAN: Ms. Vela, can you please bring up P127,  
16 please.

17 Is this in evidence?

18 Not in evidence. Thank you.

19 BY MR. FREEDMAN:

20 Q. Dr. Wright, do you see here, this is an email from yourself  
21 to someone at another email address at nCrypt, forwarding an  
22 email from yourself to Ms. Watts, forwarding an email that John  
23 Chesher received from the Australian Tax Office?

24 A. Yes.

25 Q. And it attaches transcripts and meeting notes from the

1 Australian Taxation Office.

2 A. No.

3 Q. Okay. It says it does that, right?

4 A. No. The subject is that, but that's not what it attached.

5 Q. All right. We'll get into that in a minute. In the  
6 interim, let's just lay the foundation for this document.

7 MR. FREEDMAN: Ms. Vela, can you go to Page 3 for me.

8 BY MR. FREEDMAN:

9 Q. Right at the bottom, do you see the mention of Dave Kleiman  
10 and W&K?

11 A. I see that, yes.

12 MR. FREEDMAN: Your Honor, Plaintiffs offer P127 into  
13 evidence.

14 MS. MCGOVERN: Objection, Your Honor. The majority of  
15 this document relates to the ATO proceeding. We preserve our  
16 objection as to those documents, Your Honor. Objection,  
17 relevance.

18 THE COURT: The objection is overruled. It will be  
19 admitted into evidence.

20 (Plaintiffs' Exhibit 127 received into evidence.)

21 MR. FREEDMAN: All right. Can we publish this to the  
22 jury, please.

23 Thank you.

24 BY MR. FREEDMAN:

25 Q. This is the cover email.



1 MR. FREEDMAN: Ms. Vela, can you zoom in to the  
2 bottom. That's perfect.

3 BY MR. FREEDMAN:

4 Q. So again, now this jury is looking at it. You forward this  
5 email to somebody at nCrypt, the company that eventually  
6 controls your intellectual property from W&K, correct?

7 MS. MCGOVERN: Objection. Misstates the evidence in  
8 the record.

9 THE COURT: Overruled.

10 You may answer the question.

11 THE WITNESS: No. This was forwarded to lawyers  
12 because we were considering taking action against the tax  
13 office.

14 BY MR. FREEDMAN

15 Q. But when you forwarded it to a lawyer you left the message  
16 completely blank?

17 A. Because we spoke to the lawyers. So the nCrypt A at that  
18 point, I believe, was one of the legal team because we were  
19 engaged with an Australian company basically arguing the  
20 validity of the transcripts. So what I forwarded was the  
21 transcripts and the email and the statement about Des McMaster,  
22 who had fabricated documents. So I had instigated legal  
23 action, and this is what that email's about. It is privileged  
24 communication between lawyers.

25 Q. Well, we'll agree to disagree on whether it's privileged,

1 Dr. Wright. In the interim, I want to make sure I understand  
2 your testimony.

3 A. Uh-huh.

4 Q. You're saying that you received an email from the  
5 Australian Tax Office in March of 2014 and you waited almost  
6 two years before sending a blank email to a lawyer at a company  
7 that owns your intellectual property to take legal action  
8 against the Australian Taxation Office.

9 A. No, nCrypt A isn't the company. It was a legal box for the  
10 lawyers. So no, I did not send that to the company. I sent it  
11 to the lawyers using an internal address on the company.

12 Did I spend two years is also wrong. We had already sent  
13 it to Andrew, but now we had different lawyers, and I forwarded  
14 it to the new lawyers.

15 Q. So it just so happens to be that the company that owns the  
16 intellectual property at issue in this case, nCrypt, also  
17 happens to be the name of the lawyers you were looking to use  
18 to take legal action against the Australian Taxation Office?

19 A. No, that's not correct, in multiple ways.

20 No, the company doesn't own the intellectual property. It  
21 was a license and transfer. The original company owned it.  
22 W&K owns it. The other does. Digital assets can be copied.

23 Number two, that is just an email box that was used for  
24 transmitting documents to the lawyers.

25 Q. All right. Dr. Wright, down at the bottom of this email --

1 let's look at the original one. This one comes from the  
2 Australian Taxation Office, Andrew Miller, ato.gov.au, and he's  
3 emailing John Chesher, your CFO, and he says: "John, for your  
4 reference I have attached the transcript of your meeting with  
5 us on 18th of February, 2014. It has been transcribed from the  
6 recording by Auscript. Also, please see attached. The minutes  
7 of our meeting on the 26th of February, 2014. Could you please  
8 review these and advise of any errors or omissions."

9 Do you see that?

10 A. I see that.

11 MR. FREEDMAN: Ms. Vela, can you bring us to the next  
12 page, please.

13 BY MR. FREEDMAN:

14 Q. And this, Dr. Wright, is the record of client contact that  
15 takes place on February 26th, 2014 we just saw referenced. You  
16 see that?

17 A. I see that.

18 Q. And John Chesher attends, along with someone called Ann  
19 Wrightson, for your companies. And for the Australian Taxation  
20 Office, Andrew Miller and Jennifer Trinh attend.

21 You see that?

22 A. I see that.

23 Q. And the items discussed, number one, is Craig Wright.  
24 That's you?

25 A. Uh-huh.

1 Q. And a list of your companies below?

2 A. Uh-huh.

3 THE COURT: You have to answer verbally, sir.

4 THE WITNESS: Yes.

5 MR. FREEDMAN: Ms. Vela, at the very bottom.

6 BY MR. FREEDMAN:

7 Q. The Australian Taxation Office, the woman writing the notes  
8 down, she says: "After the introduction, the meeting  
9 commenced. To the best of my recollection and based on notes I  
10 made during the meeting, the conversation was as follows."

11 You see that?

12 A. I see that. Someone said best of their recollection, yes.

13 Q. And then asked you to comment on them, right?

14 A. No one asked me to comment on them, no.

15 MR. FREEDMAN: Ms. Vela, can you bring us down to the  
16 bottom of that next page, and can we zoom in to the John  
17 Cheshier statement way at the bottom.

18 BY MR. FREEDMAN:

19 Q. So John Cheshier seems to say exactly what we've been seeing  
20 in the other documents, doesn't he, Dr. Wright?

21 A. No. He doesn't.

22 Q. He says: "Craig Wright took the Bitcoins that he had mined  
23 offshore." You've said: "I had Dave mine the Bitcoin."

24 Sorry. Go ahead.

25 A. No. That says Bitcoin that Craig Wright mined offshore.

1 Q. I don't see it says that Craig Wright mined Bitcoin  
2 offshore.

3 A. "Craig Wright took the Bitcoin that he had mined offshore."

4 Q. Dr. Wright, I'll let you finish. Let me finish, please.

5 It says: Craig Wright took the Bitcoins that he had mined  
6 offshore, which is consistent with your statement that you had  
7 Dave mine the Bitcoin, isn't it?

8 A. No, it's exactly the opposite. Craig Wright took the  
9 Bitcoin that Craig Wright had mined offshore. "He." "He"  
10 follows. That does not say Dave." It does not say: "Craig  
11 Wright took the Bitcoin that Dave mined offshore." Sorry.

12 Q. Doesn't say: "That he mined offshore," right?

13 A. No. It does not say: "That Dave mined offshore." "He"  
14 references me.

15 Q. All right, Dr. Wright.

16 The next sentence down: "He then started W&K Info Defense,  
17 LLC with Mr. Dave Kleiman. W&K was an entity created for the  
18 purpose of mining Bitcoins." You see that?

19 A. Yes, I do.

20 Q. Dr. Wright, it doesn't say that you started up W&K with  
21 your wife, Lynn Wright, does it?

22 MS. MCGOVERN: Objection. The documents speaks for  
23 itself.

24 THE COURT: Sustained.

25

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, does the document say that Lynn Wright created  
3 W&K with you?

4 MS. MCGOVERN: Objection. Same objection.

5 THE COURT: Sustained.

6 BY MR. FREEDMAN:

7 Q. Dr. Wright, you emailed Ira Kleiman in 2014?

8 MR. FREEDMAN: Ms. Vela, you can take that down.

9 Thank you.

10 BY MR. FREEDMAN:

11 Q. Didn't you?

12 A. Multiple times, yes.

13 MR. FREEDMAN: Ms. Vela, can you put up P164, which is  
14 a document we've looked at before.

15 BY MR. FREEDMAN:

16 Q. This is the chronology you sent to Mr. Kleiman.

17 MR. FREEDMAN: Ms. Vela, can you go to the next page,  
18 please, and let's zoom in on Dr. Wright's activities in 2011  
19 one more time.

20 BY MR. FREEDMAN:

21 Q. And again: "Dr. Wright founds a company in USA with Dave  
22 Kleiman. The established was W&K Info Defense. It was set up  
23 to mine Bitcoin." Correct?

24 MS. MCGOVERN: Objection. Confusing.

25 THE COURT: I'm sorry. The basis?

1 MS. MCGOVERN: Confusing, Your Honor.

2 THE COURT: Overruled.

3 Do you understand the question, sir?

4 THE WITNESS: I do.

5 THE COURT: All right. You may answer it.

6 THE WITNESS: Yes. What it was set up to do and what  
7 it did are two different things.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, this is 2014.

10 MR. FREEDMAN: Ms. Vela, can you bring us back to the  
11 first page.

12 BY MR. FREEDMAN:

13 Q. It was sent on April 26th, 2014, a year after Dave dies to  
14 the day, right?

15 A. No. As stated, that's when his body was found.

16 Q. Okay. And, Dr. Wright, a little over a year later you say  
17 the exact same thing to Ms. Uyen Nguyen, do you not?

18 A. I don't recall what I said to her. Sorry.

19 Q. Okay. Well, let's reorient ourselves for a moment.

20 Uyen Nguyen is a woman who at some point was a trustee over  
21 a trust that you were the beneficiary of, correct?

22 A. No, not technically. She held key slices in what I called  
23 the trust, the trust being an algorithmic program, which  
24 confuses people.

25 Q. Let me ask it simple. Was she ever the trustee over any



1 trust that you were the beneficiary of?

2 A. It's not actually technically a trust. It is she held  
3 keys. Some people will call that a trust in common law. Some  
4 won't.

5 Q. Would you call it a trust?

6 A. Depends on how you define it. In this country, no.

7 Q. Is there a country you would define it as a trust in?

8 A. Having someone do something under an arrangement is also a  
9 trust in some places. So yes.

10 Q. Okay. And in 2015, Dr. Wright, you email Ms. Nguyen.

11 Well --

12 MR. FREEDMAN: Ms. Vela, can you please put up P212,  
13 only for the witness and counsel.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, do you see this is an email from yourself to  
16 Ms. Uyen Nguyen?

17 A. Can you zoom in a bit? Thanks.

18 Yes, I see that.

19 Q. And it has a cc to Ms. Ramona Watts, your wife?

20 A. In this context, she was an executive in the company, but  
21 yes, she's also my wife.

22 Q. You trust her, right?

23 A. Yes, I do.

24 Q. You're honest with her, right?

25 A. Yes, I am.

1 Q. And do you see right after the 2011 we talk about Bitcoin  
2 and Mr. Kleiman?

3 A. Yes, I do.

4 MR. FREEDMAN: Your Honor, Plaintiffs offer P212 into  
5 evidence.

6 MS. MCGOVERN: No objection.

7 THE COURT: Admitted into evidence.

8 (Plaintiffs' Exhibit 212 received into evidence.)

9 MR. FREEDMAN: Can we publish this, please?

10 Thank you.

11 BY MR. FREEDMAN:

12 Q. So, Dr. Wright, just --

13 MR. FREEDMAN: Ms. Vela, you could zoom in. Just  
14 bring us right above 212. There we go. Thank you.

15 BY MR. FREEDMAN:

16 Q. So, Dr. Wright, the jury is looking at an email from you,  
17 Ms. Nguyen, your wife, and it's titled "Chronology of Craig  
18 Wright CSW Activities and Transactions."

19 A. Yes.

20 Q. Now a year after the email you sent to Ira and we are a  
21 little over two years after Dave dies.

22 MS. MCGOVERN: Objection. Vague.

23 THE COURT: Overruled.

24 THE WITNESS: Yes.

25

1 BY MR. FREEDMAN:

2 Q. Okay. And you again in this email say: "Founds a company  
3 in USA with Dave Kleiman. The established" -- two paragraphs  
4 down -- "the established was W&K Info Defense. It was set up  
5 to," and you list the other things.

6 A. Uh-huh.

7 Q. "And to mine Bitcoin."

8 Do you see that?

9 A. I do.

10 Q. And then at the end you say: "In all, 1.1 million Bitcoin  
11 reverted to SQ in Seychelles accounts," correct?

12 A. Yes.

13 MR. FREEDMAN: Ms. Vela, you can take that down.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, you say that Dave Kleiman was helping you mine  
16 this fake Testnet Bitcoin. When did that start?

17 A. I did not say that.

18 Q. When did Dave Kleiman start mining the fake Testnet  
19 Bitcoin?

20 A. There's no such thing as fake Testnet Bitcoin.

21 Q. Okay. Sorry. When did Dave Kleiman mine the Testnet  
22 Bitcoin?

23 A. He was only the nominal head of the corporation so that I  
24 could have it overseas. He didn't actually run the things. He  
25 helped design the computer. He didn't actually do any mining.

1 Q. When did the computer he designed start mining Bitcoin?

2 A. The computer he helped design start -- I can't remember the  
3 exact date. It was in October, November, 2012.

4 Q. Dave Kleiman started mining -- designed the computer that  
5 mined the Testnet Bitcoin in November of 2012, right?

6 A. He helped design the computer. The design was before 2012.

7 Q. Okay. 2012?

8 A. No. Before.

9 Q. When did the Bitcoin start getting mined?

10 A. The Testnet basically started running, as I said, October,  
11 November. I can't remember the exact date. System called  
12 CO1N. That was in 2012. The design was before that.

13 Q. When did it turn on and start mining the Testnet Bitcoin?

14 A. The system was turned on in October or November 2012.

15 Q. Thank you.

16 MS. MCGOVERN: Ms. Vela, can you put up P112.

17 Thank you. Only for witness and counsel.

18 BY MR. FREEDMAN:

19 Q. Dr. Wright, do you see this was a LinkedIn message between  
20 you and somebody called Benjamin Wright?

21 A. I do.

22 Q. And do you see in the middle of the page you mention Dave  
23 Kleiman and mining?

24 A. No, I don't. I don't run my LinkedIn account.

25 Q. Do you see in the middle it mentions Dave Kleiman and

1 mining?

2 A. I do.

3 MR. FREEDMAN: Your Honor, Plaintiffs offer P112 into  
4 evidence.

5 MS. MCGOVERN: Objection, Your Honor. Authentication  
6 and hearsay.

7 THE COURT: The objection is overruled on both  
8 grounds. Admitted into evidence.

9 (Plaintiffs' Exhibit 112 received in evidence.)

10 MR. FREEDMAN: Ms. Vela, can you publish this to the  
11 jury, please.

12 BY MR. FREEDMAN:

13 Q. 2012, Dr. Wright.

14 MR. FREEDMAN: Zoom into the message, please,  
15 Ms. Vela. No, the whole -- okay. That works.

16 BY MR. FREEDMAN:

17 Q. Let's read the whole message. All the way down to the  
18 bottom.

19 Dr. Wright, in 2014 you were attempting to seek an  
20 introduction to Mr. Tyler Winklevoss. Do you recall that?

21 A. No. As I said, I don't run LinkedIn. I don't now either.

22 Q. You said: "Hello, Ben. I'm trying to get a contact  
23 forwarded to Tyler. Can you forward the LinkedIn request?"

24 Do you see that?

25 A. I see it.

1 Q. He responds: "Craig, I did forward your request for an  
2 introduction, but I do not know my direct contact well.  
3 Furthermore, Tyler Winklevoss is a very famous person, so I do  
4 not know whether my effort will work."

5 Do you see that?

6 A. I see it.

7 Q. And then, Dr. Wright, you respond to that email. You say:  
8 "Worth a try. The Winklevoss twins are right into Bitcoin."

9 Do you see that?

10 A. I see it.

11 Q. And then you say -- why don't you read the highlighted for  
12 the jury, Dr. Wright.

13 A. Well, I don't say, but it says: "Dave Kleiman and I  
14 started mining in 2009."

15 Q. 2009.

16 A. Is that a question?

17 Q. Yes. I could have sworn a moment ago you said you didn't  
18 start mining until 2012. So I'm just making sure we're on the  
19 same page.

20 It says 2009 in this document?

21 A. Yes, a document from LinkedIn that I don't run even now.

22 MR. FREEDMAN: Ms. Vela, zoom out for a minute.

23 Can you zoom in to the bottom of that document, the  
24 very bottom. The Bates label on the bottom.

25

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, you know that that Bates label, Defense  
3 Australia, means you produced it to us?

4 A. I was required to give over all computer systems, which  
5 included computers from 30 staff, from a variety of companies  
6 and others. So none of this was from my computer. And  
7 before -- I handed over everything as required. The fact that  
8 it says our label doesn't mean that it's my account.

9 MR. FREEDMAN: Ms. Vela, you can minimize that,  
10 please, and let's zoom back in to the email where Dr. Wright  
11 says him and Dave Kleiman started mining in 2009.

12 BY MR. FREEDMAN:

13 Q. Let's finish the email, Dr. Wright.

14 "So we have a few things that will interest them. It's a  
15 shame. Dave died last year before fruition, but all is moving  
16 ahead."

17 Do you see that?

18 A. I see that.

19 Q. And you were moving ahead even though Dave died?

20 A. No. That wasn't written by me, as I said.

21 Q. Dr. Wright, you were here for Mr. O'Hagan's testimony, were  
22 you not?

23 A. I was.

24 Q. And you heard him testify that you told him that your and  
25 Dave Kleiman's mining activity led to a complicated trust?



1 A. I heard him say a number of things, yes.

2 Q. Well, I'd like to talk -- just so you know where I'm going  
3 with this, I'd like to talk with you about this trust because I  
4 think it will also show the Plaintiffs' story that Dave mined  
5 Bitcoin with you. Okay?

6 A. Huh?

7 MS. MCGOVERN: Objection. Is that a question?

8 THE COURT: It's an appropriate transition. Let's  
9 continue.

10 Overruled.

11 BY MR. FREEDMAN:

12 Q. Dr. Wright, you told the Australian Taxation Office that  
13 you had Dave mine Bitcoin into a trust to fund the  
14 partnership's activities, didn't you?

15 A. No, I did not.

16 Q. Let's take a look at what you told the Australian Taxation  
17 Office before you got sued in this case. Okay.

18 I'm going to take you back to P172, which I believe is in  
19 evidence.

20 MR. FREEDMAN: Your Honor, can you confirm that for  
21 me? I'm sorry.

22 MS. MCGOVERN: It is.

23 THE COURT: It's in evidence. You want to publish it?

24 MR. FREEDMAN: Please.

25 THE COURT: 172.

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, we're looking again at the transcript of your  
3 August 11th, 2014 meeting with the Australian Taxation Office,  
4 right?

5 A. No.

6 Q. Again, it's a 45-page transcript.

7 MR. FREEDMAN: Ms. Vela, can you just click us through  
8 to Page 7.

9 BY MR. FREEDMAN:

10 Q. And let's go to right above line 30. So let's go to  
11 Mr. O'Mahoney of the ATO.

12 MR. FREEDMAN: All the way down to the bottom.

13 Thank you.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, Mr. O'Mahoney of the Australian Taxation Office  
16 says: "Okay. I guess, just by way of background, tell us  
17 about -- won't hold you to every detail of that trust, but just  
18 tell us a little bit about the trust in Panama that was  
19 established."

20 You respond -- that's Wright; that's your name -- "There  
21 was a trust set up to put a number of Bitcoin that Dave was  
22 mining and everything like that into and maintain. The idea  
23 being that we would use that to further the goals we were doing  
24 which were all to do with promotion of Bitcoin and  
25 cryptocurrencies we have there."

1 Do you see that?

2 A. I see it.

3 Q. And then Mr. O'Mahoney says: "So was it the case that the  
4 trust in Panama was set up as a funding mechanism?" And you  
5 say: For research, yes."

6 And Mr. O'Mahoney says: "And for research you were doing  
7 with Mr. Kleiman?" And you say: "That Mr. Kleiman was doing,  
8 and myself as well, yes."

9 Do you see that, Dr. Wright?

10 A. I see it.

11 Q. So you've told the ATO that a trust was set up?

12 A. No, I did not.

13 Q. And you told the ATO that Dave mined Bitcoin into that  
14 trust?

15 A. No, I did not.

16 Q. And that the Bitcoin in the trust was used to further the  
17 goals you were both doing?

18 A. No, I did not.

19 Q. In fact, Dr. Wright, you told the Australian Taxation  
20 Office that the trust assets --

21 MR. FREEDMAN: Ms. Vela, you can take that down.

22 BY MR. FREEDMAN:

23 Q. In fact, Dr. Wright, you told the ATO that the trust assets  
24 were originally sourced from both you and Dave; isn't that  
25 correct?

1 A. No. That is not correct.

2 MR. FREEDMAN: Ms. Vela, can you please bring up P173.

3 BY MR. FREEDMAN:

4 Q. And, Dr. Wright, you'll see this is another transcript  
5 between you and the Australian Taxation Office.

6 A. I see that's what it says.

7 MR. FREEDMAN: Ms. Vela, could you bring us to Page 7.

8 BY MR. FREEDMAN:

9 Q. And do you see right around 30, Dave Kleiman's name is  
10 mentioned?

11 A. I see: "Dave."

12 MR. FREEDMAN: Your Honor, at this point Plaintiffs  
13 offer P173 into evidence.

14 MS. MCGOVERN: Objection, Your Honor. Relevance.  
15 Same objection with respect to the ATO documents that have been  
16 introduced in this case.

17 THE COURT: Overruled. It will be admitted into  
18 evidence. 173.

19 (Plaintiffs' Exhibit 173 received into evidence.)

20 BY MR. FREEDMAN:

21 Q. So, Dr. Wright, we have another transcript of proceeding  
22 from the ATO.

23 A. No, we do not.

24 Q. Okay. I'm sorry. Are you denying that the Australian  
25 Taxation Office produced this document that you produced to us?

1 A. Yes, I actually am. This is not a tax office official  
2 document.

3 The person involved, Des McMaster, was actually fired  
4 because of this, or at least moved into Papua New Guinea, which  
5 is about the worst place you can be sent to in Australia.

6 MR. FREEDMAN: Ms. Vela, can we please bring up P742  
7 for a moment. Let's put P173 down for a second. And this  
8 should only be shown to counsel and jury.

9 And can you go to the first -- this is the first page  
10 of 742.

11 BY MR. FREEDMAN:

12 Q. And Dr. Wright, do you recognize this as a "Reasons for  
13 Decision" document from the Australian Taxation Office?

14 A. There's no header or anything. So it looks like a draft  
15 document. It doesn't look like a tax office document at all.

16 Q. Did you have draft documents from inside the Australian  
17 IRS? Because you produced this to us.

18 A. From the IRS?

19 Q. From the ATO.

20 A. No, I did not.

21 MR. FREEDMAN: And can you go to Page 5, Ms. Vela.

22 BY MR. FREEDMAN:

23 Q. Do you see at the bottom, Dr. Wright, the various footnotes  
24 where the ATO is relying on certain things that are stated in  
25 those footnotes?

1 A. No, I do not. I don't recognize this as an Australian  
2 Taxation Office document.

3 MR. FREEDMAN: Your Honor, at this point we would  
4 offer P742 into evidence.

5 MS. MCGOVERN: Objection, Your Honor. The witness has  
6 stated -- not provided the requisite foundation. We also  
7 object on relevance. Improper character.

8 THE COURT: The objection is noted. It is overruled.  
9 It will be admitted into evidence.

10 (Plaintiffs' Exhibit 742 received into evidence.)

11 MR. FREEDMAN: Ms. Vela, could you bring us back to  
12 Page 1.

13 BY MR. FREEDMAN:

14 Q. Dr. Wright, the Australian Taxation Office eventually made  
15 findings about why they denied certain tax rebates and refunds  
16 that you were seeking, correct?

17 A. I don't know.

18 Q. I'm sorry?

19 A. I don't know.

20 Q. You don't know. You don't know whether they denied you --  
21 strike that.

22 You don't know whether or not the Australian Taxation  
23 Office issued reasons for decisions on why they did not give  
24 you certain tax rebates and refunds and credits that you were  
25 claiming?

1 A. I was not claiming, and that's correct.

2 Q. Dr. Wright, we're looking at one of such document from the  
3 Australian Taxation Office called "Reasons for Decision." That  
4 relates to Craig Wright R&D, your company, trustee for the  
5 Wright Family Trust, and Cloudcroft.

6 MR. FREEDMAN: And, Ms. Vela, can you bring us to Page  
7 5.

8 BY MR. FREEDMAN:

9 Q. You said the ATO eventually rejected these transcripts,  
10 right, Dr. Wright?

11 A. This doesn't have a header from the tax office. All tax  
12 office documents have an official header. So no, I don't  
13 recognize this as a tax document.

14 Q. See the Bates stamp on the bottom, Dr. Wright? You just  
15 testified you would not have had a draft tax office document,  
16 and you produced this to me.

17 A. As I also said, I had a computer from Jamie Wilson, I had  
18 computers from 30 staff, I had computers from a lot of things.  
19 So I didn't -- it didn't come from my computer. More than  
20 that, I can't say.

21 MR. FREEDMAN: Ms. Vela, can you zoom us in to the  
22 footnotes on the bottom where the ATO was putting sources for  
23 their various statements and their reasons for decision.

24 BY MR. FREEDMAN:

25 Q. Dr. Wright, do you see that the ATO had in fact relied on



1 the transcripts we were looking at in coming to their decisions  
2 rejecting your tax credits?

3 A. I do not. I still state this is not a tax document. It is  
4 not headed with the official logo of the tax office.

5 MR. FREEDMAN: Ms. Vela, can you please put this down  
6 and bring up P320.

7 BY MR. FREEDMAN:

8 Q. You recognize that as the official heading of the  
9 Australian Taxation Office, Dr. Wright?

10 A. Yes, I do.

11 MR. FREEDMAN: Ms. Vela, could you bring us to Page  
12 24, and can we take a look at note 116.

13 BY MR. FREEDMAN:

14 Q. See that as a reference to the transcripts, Dr. Wright?

15 A. I can't say whether they referenced transcripts, no.

16 MR. FREEDMAN: Your Honor, Plaintiffs offer P320 into  
17 evidence.

18 MS. MCGOVERN: Your Honor, same objection with respect  
19 to the ATO reasons for decision regarding a nonparty.

20 THE COURT: Admitted. It's overruled.

21 (Plaintiffs' Exhibit 320 received into evidence.)

22 MR. FREEDMAN: Can we publish to the jury, please.

23 BY MR. FREEDMAN:

24 Q. So, Dr. Wright, another "Reasons for Decision." This time  
25 with the little logo of the Australian Taxation Office across

1 the top, correct?

2 A. It does.

3 Q. This paper explains the ATO's reasons for decision for  
4 Integyrs PTY, LTD for the period of 1 July 2013 to 30th of June  
5 2014.

6 Do you see that?

7 A. I see that.

8 MR. FREEDMAN: Let's go to the next page, Ms. Vela,  
9 please. And the next page. Go one more time. Scroll forward.

10 Go back. Sorry.

11 Okay. And one more page.

12 BY MR. FREEDMAN:

13 Q. Do you see: Issue 1, Summary of our Decision"? Issue 1:  
14 Is the taxpayer entitled to a research and development tax  
15 offset of \$434,000?"

16 MR. FREEDMAN: Ms. Vela, can you not call it out,  
17 please. Just drop that.

18 BY MR. FREEDMAN:

19 Q. "Decision: No."

20 Do you see that?

21 A. I see that. Yes.

22 Q. All right.

23 MR. FREEDMAN: Ms. Vela, bring us to Page 24 of the  
24 document. And let's zoom in to the footnote 116.

25

1 BY MR. FREEDMAN:

2 Q. The ATO cites here as its source: "Transcript of  
3 conversation with Andrew Sommer, Craig Wright, John Chesher, on  
4 18th of February, 2014."

5 You see that?

6 A. I see that.

7 MR. FREEDMAN: Ms. Vela, can you zoom out of that.  
8 Let's go to 1 -- sorry. Can you go back.

9 Yeah. Next page.

10 Ms. Vela, can you zoom in to 117.

11 Perfect.

12 BY MR. FREEDMAN:

13 Q. Dr. Wright, another citation to the 18th of February, 2014,  
14 transcript of conversations?

15 A. I see that.

16 Q. And then another citation to the record of --

17 MR. FREEDMAN: Ms. Vela, in the same one we've got  
18 record of conversation with John Chesher and Ann Wrightson of  
19 26th of February 2014.

20 THE WITNESS: I see it.

21 BY MR. FREEDMAN:

22 Q. "Record of conversation with Craig Wright on February 2nd,  
23 2015"?

24 A. I see it.

25 Q. And then in the 125, we've got: "Transcript of interview

1 with Craig Wright on 18th of August 2014"?

2 A. I see it.

3 Q. And in 122: "Transcript of interview with Craig Wright, on  
4 18th of August, 2014"?

5 A. I see that.

6 Q. So the ATO did rely on their own transcripts, didn't they,  
7 Dr. Wright?

8 A. One, I can't say whether they are the same transcript, and  
9 two, on the March 2016 date, I was not involved with the  
10 company. So I have no knowledge of these documents.

11 MR. FREEDMAN: Ms. Vela, put that down, please, and if  
12 we can bring up P173.

13 BY MR. FREEDMAN:

14 Q. "Transcript of proceedings, Monday, August 18th, 2014." We  
15 just saw they relied on this in the reasons and decisions,  
16 right?

17 A. No, we did not. The same name doesn't mean the same  
18 document.

19 Q. Okay. Is there a different transcript of a different  
20 meeting that took place -- you know what? Strike that.

21 Just to get us back to where we were, Dr. Wright, I asked  
22 you that you told the Australian Taxation Office that the trust  
23 assets were originally sourced from both you and Dave Kleiman.  
24 You denied it, correct?

25 A. Correct, I denied it.

1 MR. FREEDMAN: Ms. Vela, can you bring us to PDF Page  
2 7, and let's zoom in to 30 to the bottom.

3 BY MR. FREEDMAN:

4 Q. Mr. O'Mahoney from the Australian Taxation Office: "So how  
5 did it come to be? Are all the assets of the trust -- they  
6 were originally sourced from you?"

7 Dr. Wright, what did you respond? Can you read it for the  
8 jury, please.

9 A. The document says: "And Dave."

10 Q. Right after your name as the speaker. "Wright: 'And  
11 Dave?'"

12 A. No, I was not the speaker. This did not happen that way.

13 Q. And then, Dr. Wright, Mr. O'Mahoney wants to make sure he  
14 heard this correctly and he says: "And David?"

15 A. Again, the document states that.

16 Q. And then you respond again: "Yes."

17 A. No.

18 MR. FREEDMAN: Ms. Vela, you can take that down,  
19 please.

20 BY MR. FREEDMAN:

21 Q. Dr. Wright, the ATO audited your companies, did they not?

22 A. Some of them, yes.

23 Q. And they met with you and others from your companies,  
24 correct?

25 MS. MCGOVERN: Objection, Your Honor. Relevance with

1 respect to audits concerning the Australia companies. It's not  
2 part of this litigation.

3 THE COURT: Overruled. I'll allow it.

4 BY MR. FREEDMAN:

5 Q. They met with you and others from your companies?

6 A. Yes.

7 Q. When they finally issued their own decisions, Dr. Wright,  
8 the ATO found that while you had produced documents to make it  
9 seem like you had contributed all 1.1 million Bitcoin to the  
10 trust, you had at another time told them that the trust Bitcoin  
11 also came from Dave; isn't that correct?

12 A. That is incorrect.

13 MR. FREEDMAN: Ms. Vela, can you please bring up P607.

14 And just to the jury -- just to counsel and the  
15 witness, please.

16 BY MR. FREEDMAN:

17 Q. Do you recognize this as an official "Reasons for Decision"  
18 from the Australian Taxation Office?

19 A. No. I was not involved with the companies in April 2016.

20 Q. Dr. Wright, the paper explains the time period between July  
21 of 2013 and June of 2014, right on the cover. Do you see that?

22 A. Yes, and I also see 12th April 2016.

23 Q. Okay.

24 MR. FREEDMAN: And, Ms. Vela, could you bring us to  
25 Page 49, and zoom in on 271.

1 BY MR. FREEDMAN:

2 Q. Did you see there, Dr. Wright, references to Mr. Kleiman,  
3 Bitcoin and trust?

4 A. I see the document.

5 MR. FREEDMAN: Your Honor, at this point Plaintiffs  
6 would offer P607 into evidence.

7 MS. MCGOVERN: Your Honor, objection. Relevance.  
8 This is an ATO decision for Zhul Party, Limited during a period  
9 of time that is not even related to this case. Object on  
10 scope, authentication, foundation. It's unduly prejudicial,  
11 Your Honor.

12 THE COURT: The objections are overruled. Admitted  
13 into evidence.

14 (Plaintiffs' Exhibit 607 received into evidence.)

15 MR. FREEDMAN: Can we publish to the jury, please.  
16 Thank you.

17 BY MR. FREEDMAN:

18 Q. Dr. Wright, we are looking at an official "Reasons for  
19 Decision" from the Australian Taxation Office. The paper  
20 explains the ATO's decision for Zhul for the period 1 July 2013  
21 to 30th of June, 2014.

22 Do you see that?

23 A. I see that.

24 MR. FREEDMAN: Ms. Vela, can you bring us to Page 49  
25 of this document. Can you zoom in for the jury on 271. And



1 can you highlight from Dr. Wright on the second sentence.

2 BY MR. FREEDMAN:

3 Q. "Dr. Wright's and Mr. Kleiman's Tulip Trust document claim  
4 Dr. Wright contributed 1.1 million Bitcoin to the Tulip Trust."

5 Do you see that?

6 A. I see the document.

7 Q. We will get to the Tulip Trust document. I promise. Okay?  
8 But now I want you to focus on the next part of the sentence.  
9 Okay?

10 A. Okay.

11 Q. "But Dr. Wright has also stated that trust Bitcoin came  
12 from both him and Mr. Kleiman."

13 Do you see that?

14 A. I see that.

15 Q. And then the ATO has another finding. Ms. Nguyen. Do you  
16 remember her?

17 A. I do.

18 Q. She was the trust -- you said a trustee for you in some  
19 capacity?

20 A. Not in the way that you're saying. She held key slices.

21 Q. "Ms. Nguyen has stated that 650,000 of the trust Bitcoin  
22 came from Dr. Wright."

23 MR. FREEDMAN: Can you scroll down, please, Ms. Vela.

24 BY MR. FREEDMAN:

25 Q. "350,000 from Mr. Kleiman."

1 Do you see that?

2 A. I see that.

3 MR. FREEDMAN: Ms. Vela, can you take that down. Can  
4 you load up Joint Exhibit 14.

5 Your Honor, I'm not sure if it's in evidence, but it's  
6 a joint exhibit. So if it's not, Plaintiffs would move it into  
7 evidence.

8 THE COURT: Admitted into evidence.

9 (Joint Exhibit 14 received into evidence.)

10 BY MR. FREEDMAN:

11 Q. Dr. Wright, do you recognize that as your sworn declaration  
12 you submitted to this court?

13 A. I do.

14 MR. FREEDMAN: Ms. Vela, could you bring us to Page 2  
15 and highlight the first line on 7: "The trustees for Tulip  
16 Trust I are." And can you highlight: "B, Ms. Uyen Nguyen."

17 BY MR. FREEDMAN:

18 Q. Dr. Wright, your sworn testimony to this Court is Ms. Uyen  
19 Nguyen is a trustee of the Tulip Trust, correct?

20 A. The Tulip Trust holding the key slices. As I said, they  
21 are different entities.

22 Q. Did I read this wrong? The trustees from the Tulip Trust I  
23 are Ms. Nguyen.

24 A. Tulip Trust I is not the Tulip Trust.

25 Q. Dr. Wright, did I read the document wrong? "The trustees

1 for the Tulip Trust I are Ms. Nguyen," Uyen Nguyen?

2 A. The trustees for Tulip Trust I, which is not the Tulip  
3 Trust. That is the algorithmic system.

4 Q. The same trustee that the ATO said told them that  
5 Mr. Kleiman put 350,000 Bitcoin into the Tulip Trust?

6 A. I can't speak for the accuracy of the document. I wasn't  
7 there.

8 MR. FREEDMAN: Ms. Vela, you can take that down,  
9 please.

10 Thank you.

11 BY MR. FREEDMAN:

12 Q. So, Dr. Wright, just so you know where I'm going, we've  
13 just seen a lot of documents about Dave's mining. I'd like to  
14 take you through -- sorry. Let me start that again.

15 Dr. Wright, despite the evidence we've just seen that you  
16 and Dave were mining, you're denying that you and Dave were  
17 ever partners to create and mine Bitcoin, correct?

18 A. Correct.

19 Q. And, Dr. Wright, you heard your lawyers suggest to this  
20 jury that the fact that Dave Kleiman didn't tell people about  
21 his creation and mining of Bitcoin with you somehow suggests he  
22 didn't do it, right?

23 A. Yes. I told everyone. I told my mother, my family, the  
24 tax office, several other departments. Lots of people.

25 Q. But, Dr. Wright, you know that the truth is you and Dave

1 Kleiman agreed to keep your partnership a secret; isn't that  
2 correct?

3 A. No. I actually registered a company called Information  
4 Defense in Australia. I listed the shareholders. I recorded  
5 it with the government and I sought a banking charter. So at  
6 least three, four hundred people knew that I was Satoshi in  
7 Australia. So no.

8 Q. Dr. Wright, when the whitepaper was written, the name  
9 associated with the whitepaper was an alias, correct?

10 A. Correct.

11 Q. Satoshi Nakamoto?

12 A. Yes.

13 Q. So the real name of the author was hidden, correct?

14 A. From public view. Not hidden totally.

15 Q. And, Dr. Wright, the emails that were sent from the creator  
16 or creators of Bitcoin were sent from Satoshi Nakamoto's email  
17 accounts?

18 A. Yes. They were my emails.

19 Q. Not craig.wright@hotmail.com, right?

20 A. Hotwire hadn't been created, so that would be difficult.

21 Q. Dr. Wright, you have said that you were trying to hide the  
22 fact that you were running Bitcoin since 2009, have you not?

23 A. Not in the way that you're saying it. No.

24 Q. That's what you told the Australian Taxation Office, isn't  
25 it?

1 A. No, it's not.

2 MR. FREEDMAN: Ms. Vela, can you please bring up P127.

3 BY MR. FREEDMAN:

4 Q. We've looked at this before.

5 MR. FREEDMAN: Ms. Vela, can you go to the next page,  
6 please. This is in evidence. Can we publish to the jury,  
7 please?

8 MS. MCGOVERN: I don't see that it's in evidence. Can  
9 you please confirm? Is it P127?

10 MR. FREEDMAN: Take it down, Ms. Vela. P127.

11 THE COURT: P127 is in evidence.

12 MR. FREEDMAN: Ms. Vela, can you put it back up and  
13 can we publish to the jury, please.

14 Ms. Vela, can you bring us to Page 40.

15 BY MR. FREEDMAN:

16 Q. And the transcript between you and the Australian Taxation  
17 Office, Dr. Wright?

18 A. Oh.

19 MR. FREEDMAN: Ms. Vela, can you zoom in to lines --  
20 there we go.

21 Thank you.

22 BY MR. FREEDMAN:

23 Q. "Wright," meaning Dr. Wright. You're speaking. "I did my  
24 best to try and hide the fact that I've been running Bitcoin  
25 since 2009."

1 Do you see that, Dr. Wright?

2 MR. FREEDMAN: Ms. Vela, can we highlight that?

3 THE WITNESS: I see that.

4 BY MR. FREEDMAN:

5 Q. Dr. Wright, would it be your -- would it be trying your  
6 best to hide the fact that you have been running Bitcoin by  
7 telling four hundred people in Australia?

8 A. Public versus the government. I filed in June 30, 2009 a  
9 number of tax returns. I filed a March return. And I was in a  
10 court process between '11 and '13 with the tax office.

11 So the people in the court, the judges, it was a private --  
12 it wasn't public. It wasn't published. But each of those  
13 people knew. My lawyers knew. My accountants knew. The tax  
14 office knew. You can't file with the tax office in -- like, if  
15 I filed for Bitcoin in 2009, saying that I'm selling the  
16 intellectual property into my company, then the tax office  
17 knows. It's not secret.

18 I don't file taxes as Satoshi Nakamoto. I filed tax as  
19 Craig Wright. So in March and June of 2009, when the tax  
20 office said it was a hobby, yes, they knew. They knew exactly  
21 who I was.

22 MR. FREEDMAN: Ms. Vela, can we go to P122, which is  
23 already in evidence.

24 BY MR. FREEDMAN:

25 Q. Dr. Wright, just to keep us on track, we're looking at

1 whether or not you agreed with Dave Kleiman to keep everything  
2 about Bitcoin a secret, right?

3 A. Sorry. Can you rephrase that?

4 Q. I said: We're looking at documents that are trying to shed  
5 light on whether or not you and Dave Kleiman agreed to keep  
6 what you were doing in Bitcoin a secret, correct?

7 A. No. I disagree.

8 Q. All right.

9 MR. FREEDMAN: Ms. Vela, please bring us to Page 4.

10 BY MR. FREEDMAN:

11 Q. We've seen in this email many times already, Dr. Wright,  
12 but I want to highlight one particular part.

13 MS. MCGOVERN: Objection, Your Honor. Asked and  
14 answered.

15 THE COURT: I can't hear.

16 MS. MCGOVERN: Asked and answered, Your Honor. We've  
17 gone over this email and the same line many times.

18 THE COURT: Overruled.

19 BY MR. FREEDMAN:

20 Q. Dr. Wright, do you see the last line of the second  
21 paragraph? You say: "Dave and I had a project in the U.S. He  
22 ran it there."

23 Can you read the highlight --

24 MR. FREEDMAN: Ms. Vela, can you highlight that.

25



1 BY MR. FREEDMAN:

2 Q. Can you read the highlighted portion for the jury,  
3 Dr. Wright?

4 A. "We kept what we did secret."

5 Q. And, Dr. Wright --

6 MR. FREEDMAN: Ms. Vela, can you please bring up P200,  
7 which is also in evidence. And can you zoom in to Dr. Wright's  
8 email.

9 BY MR. FREEDMAN:

10 Q. This is an email from you to Michele Seven, Dr. Wright, in  
11 2015?

12 A. No. It's an email associated with me. It's not an email  
13 from me.

14 Q. Okay. And you see where it says, in the second paragraph:  
15 In the past Dave Kleiman was my best friend and business  
16 partner?

17 A. I see that.

18 Q. "He died a couple years ago. But as I had known him since  
19 the '90s, we have many shared secrets."

20 A. I see that.

21 Q. Dr. Wright, do you recall --

22 MR. FREEDMAN: Ms. Vela, you can take that down.  
23 Thank you.

24 BY MR. FREEDMAN:

25 Q. Do you recall that you sent some of your communications

1 with Dave to Ira at some point?

2 A. I did a quick search, found a number of emails, and  
3 forwarded them to Ira, that is correct.

4 Q. And when you did that, when you sent him emails from Dave,  
5 you told him that he had to keep those emails secret, didn't  
6 you?

7 A. Yes. I didn't want anything coming out, that's correct.

8 MR. FREEDMAN: Ms. Vela, can you please bring up P045  
9 and just -- I think this is in evidence. Somebody just confirm  
10 for me if P045 is in evidence. It's not in evidence. It's  
11 not.

12 THE COURT: It is not.

13 BY MR. FREEDMAN:

14 Q. Dr. Wright, do you recognize this as an email from yourself  
15 to Mr. Kleiman?

16 A. I recognize it as an email to Mr. Kleiman that I forwarded  
17 to Ira.

18 Q. Okay. That's a good point, Dr. Wright. There are two  
19 Mr. Kleimans.

20 So it's an email between you and Dave Kleiman that you then  
21 forwarded to his brother, Ira Kleiman?

22 A. Yes.

23 MR. FREEDMAN: Your Honor, at this point Plaintiffs  
24 offer P045 into evidence.

25 MS. MCGOVERN: No objection, Your Honor.

1 THE COURT: Admitted into evidence.

2 (Plaintiffs' Exhibit 045 received into evidence.)

3 MR. FREEDMAN: Can we publish this, please?

4 BY MR. FREEDMAN:

5 Q. Dr. Wright, below is an email from Dave Kleiman. We're  
6 going to get back to that email from Dave Kleiman. But in the  
7 interim, when you forwarded a message about these Bitcoin  
8 trusts, you say to him: "Your eyes only."

9 Do you see that?

10 A. I see that.

11 MR. FREEDMAN: Ms. Vela, can you take it down and  
12 bring up P138, which is in evidence. And, Ms. Vela, can you  
13 bring us to Page 5.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, this is an email chain between you and Ira  
16 Kleiman again, and you say to him: "I will send you" -- at the  
17 bottom -- "I will send you some rather private early emails  
18 today as long as you promise" -- do you see the: "Promise,"  
19 Dr. Wright?

20 A. Yes, I see the: "Promise" that Ira didn't keep.

21 Q. You put it in all caps, didn't you?

22 A. Sorry. I didn't hear.

23 Q. You put it in all caps?

24 A. Yes. He was to promise.

25 Q. Not just like a little promise. You wanted a big promise

1 from Mr. Kleiman, didn't you? From Ira Kleiman?

2 A. I don't know if you would call it a big promise. It's a  
3 promise.

4 Q. You said: "As long as you promise to delete after  
5 reading," didn't you?

6 A. I did.

7 Q. He says: "Agreed," and, Dr. Wright, you double down, do  
8 you not?

9 A. I don't know if I'd say double down. That's the wrong  
10 term, but I wanted to make sure that he promised, yes.

11 Q. You say again: "Please," in all caps, right?

12 A. Yes.

13 Q. "Please delete the emails or at least encrypt them or  
14 something once you have read them."

15 Do you see that?

16 A. I wouldn't say it the way you're emphasizing, but yes.

17 Q. You put it in all caps, Dr. Wright. "Please."

18 A. That --

19 Q. How would you emphasize it? Show us.

20 MS. MCGOVERN: Objection, Your Honor.

21 THE COURT: And the basis?

22 MS. MCGOVERN: Asked and answered.

23 THE COURT: Overruled.

24 THE WITNESS: I wouldn't be sounding like I was  
25 begging like you were.

1 BY MR. FREEDMAN:

2 Q. "Please." How did you mean that all-caps: "Please  
3 delete?"

4 A. I meant more to emphasize it like as in just about  
5 shouting, which I'm not going to do today.

6 Q. You were shouting at him to keep the emails secret?

7 A. Effectively it was like an order, yes.

8 Q. So you were ordering him to keep your communications with  
9 Dave Kleiman about Bitcoin secret?

10 A. The way you're saying it is incorrect. I would say direct  
11 but not -- so I was emphasizing that I wanted a private  
12 communication.

13 Q. Come full circle, Dr. Wright. We started off with  
14 ordering -- with shouting, ordering. Now we're back at  
15 emphasizing?

16 MS. MCGOVERN: Objection, Your Honor.  
17 Mischaracterizes his testimony.

18 THE COURT: Sustained.

19 BY MR. FREEDMAN:

20 Q. Okay. Dr. Wright, we're going to get back to this secret  
21 issue later. But isn't it true that you and Dave Kleiman took  
22 further steps to make sure evidence of the Satoshi Nakamoto  
23 partnership was never discovered?

24 A. There was no partnership. So we can't take steps to --  
25 well, you can't hide something that doesn't exist.

1 Q. So no? The answer is no?

2 A. Well, you badly worded it. So no partnership, no action.

3 Q. Okay. Dr. Wright, isn't it true you co-created Bitcoin  
4 with Dave Kleiman?

5 A. No.

6 Q. Dr. Wright --

7 MR. FREEDMAN: Ms. Vela, can you please bring up P160,  
8 and let's go to Page 1.

9 BY MR. FREEDMAN:

10 Q. And right in the opening, this is an email from --

11 MR. FREEDMAN: Can we publish this to the jury,  
12 please. This is in evidence.

13 BY MR. FREEDMAN:

14 Q. Dr. Wright, this is an email from you to Ira Kleiman on  
15 April 24th, 2014.

16 A. Yes.

17 Q. In it you say: "Ira" --

18 MR. FREEDMAN: Actually, Ms. Vela, can you take this  
19 down for one moment.

20 BY MR. FREEDMAN:

21 Q. Dr. Wright, when was the Bitcoin Whitepaper published?

22 A. 2013.

23 Q. I'm sorry?

24 A. It was distributed by a link in 2008 on the 31st of  
25 October. Publication is a different issue. It was published

1 in 2019.

2 Q. Okay. You distributed it for the very first time ...

3 A. Is that a question?

4 Q. Yes. You distributed it for the very first time when?

5 A. March 2008.

6 Q. In March 2008. You distributed it via a link -- let me ask  
7 the question a little differently.

8 When did Satoshi Nakamoto formally announce the Bitcoin  
9 Whitepaper?

10 A. There were several announcements in the end of October to  
11 the peer-to-peer forum, to the cryptography mailing list on  
12 Usenet. I know no one knows what that is now, but it's like a  
13 classified, I believe, index that used to be on the Internet  
14 and a couple other places.

15 Q. Halloween 2008?

16 A. Yes.

17 Q. And then the actual Bitcoin client that allows you to mine  
18 and actually work with Bitcoin, when did Satoshi Nakamoto  
19 release that?

20 A. I gave a version of the software to Hal Finney, Bear, and a  
21 few others on -- sorry if I don't get the exact day, but I  
22 think it was the 11th of November, 2008.

23 I gave a copy to my uncle on about the 20th of November,  
24 copy to Max Lynam I think on the 23rd of November, which was my  
25 sister's birthday. I gave a copy to her on her birthday. I



1 gave a copy to -- oh, God -- a person I can't even remember  
2 their name.

3 Steve McLaughlin, who didn't even look at it, I don't  
4 think. I gave a copy to Shoeb in December. I gave a copy  
5 to -- it's a long time ago. I'm trying to remember each  
6 person.

7 Q. I think, Dr. Wright, the issue with the question was, you  
8 and I disagree over who Satoshi Nakamoto is. So I'm going to  
9 be a little bit more precise with this question.

10 When did the pseudonym Satoshi Nakamoto formally release  
11 the Bitcoin client code and software associated with Bitcoin to  
12 the world?

13 A. All of those dates. I was in public communication with Hal  
14 Finney in November. I was in public communication with Bear in  
15 November. So the SourceForge update was done then. The link  
16 on upload.ie was in October. So a variety of different people  
17 published the software at different times.

18 When I sent it out to each of the individuals, some of  
19 those talked about it and discussed it -- on the list. The  
20 final version wasn't up. So if you're talking about with the  
21 Genesis Block as it is now, that was redone on the 3rd of  
22 January, but the previous alpha versions had been sent round.

23 Differences in the code times were there before. Between  
24 October and January I was still tweaking the time. I hadn't  
25 decided on 21 million coins. I hadn't decided on the 10-minute

1 block time. So all of that was still up in the air.

2 It was still the software, but the parameters that we see  
3 today -- I played for three months to get them right.

4 Q. Are you aware, Dr. Wright, that all of these supposed  
5 distributions that you have just told the jury about, you  
6 haven't produced a single document to back that up in  
7 discovery?

8 A. It's actually on public mailing lists.

9 So the Hal Finney bit is actually public. The Bear, I  
10 think Bear has come out and talked about it. My uncle is going  
11 to be talking about it in his deposition. There are other  
12 individuals. You didn't call Max. So they will be backed up.

13 Q. Dr. Wright --

14 MR. FREEDMAN: Ms. Vela, can you please bring up P160  
15 again.

16 BY MR. FREEDMAN:

17 Q. Bitcoin is released by Satoshi Nakamoto, the whitepaper, in  
18 October 2008. As you just said, the Genesis Block, the very  
19 first block of the Bitcoin blockchain is mined on January 3rd,  
20 2009.

21 Dr. Wright, in this email to Ira Kleiman you say: "The tax  
22 office knows that Dave and I have been working on this since  
23 2008."

24 A. That's what it says, but I'm sorry, I have to correct you.  
25 I'm not trying to be combative. But the Genesis Block isn't

1 mined. It's an anchor block. It's designed so that you can't  
2 spend it because if you spend it, it actually could unravel the  
3 end. It's like if you're knitting or sewing. You have to tie  
4 off the thread to make sure it doesn't break. So the  
5 blockchain requires a block that is not like a mined block. It  
6 is not mined.

7 Q. Dr. Wright, isn't it true that Dave Kleiman was the first  
8 person to run Bitcoin other than you?

9 A. Technically, I don't know. Hal Finney was running it.  
10 Bear was running it. I like to believe that Dave was the first  
11 person, but I can't actually say whether he was.

12 MR. FREEDMAN: Ms. Vela, can you please bring up P381  
13 and show it only to the witness and counsel.

14 Can we zoom in on that email, please.

15 BY MR. FREEDMAN:

16 Q. Dr. Wright, this is an email between yourself and Robert  
17 MacGregor. Do you see that?

18 At the bottom it talks about the timing of running Bitcoin  
19 and in the middle it talks about Dave Kleiman.

20 A. Yes.

21 MR. FREEDMAN: Your Honor, Plaintiffs as offer P381  
22 into evidence.

23 THE COURT: Any objection?

24 MS. MCGOVERN: Your Honor, could it be made larger? I  
25 can't really see the document.

1 MR. FREEDMAN: Ms. Vela, can you zoom in to all of the  
2 text, please, for counsel.

3 (Pause in proceedings.)

4 MS. MCGOVERN: No objection, Your Honor.

5 THE COURT: Admitted into evidence.

6 (Plaintiffs' Exhibit 381 received into evidence.)

7 BY MR. FREEDMAN:

8 Q. Dr. Wright, at the bottom of this -- well, at the top of  
9 this email, you've got an email from Robert MacGregor to you,  
10 but the reason I'm pointing you there is -- well, actually, I  
11 take that back.

12 You can see at the bottom the subject of the email is:

13 "Hal." Do you see that?

14 A. "Hal," yes.

15 Q. And that's a reference to Hal Finney, one of the earliest  
16 adopters of Bitcoin, right?

17 A. Right.

18 Q. At the bottom, if we go in actual order of the emails --  
19 they go from bottom to top -- Robert MacGregor puts a question  
20 to you. He says: "Hal" -- subject -- was he the first person  
21 other than you to run Bitcoin?"

22 Do you see that?

23 A. I do.

24 Q. And then you say: "Yes, and Dave."

25 Do you see that?

1 A. I do.

2 Q. And then Robert MacGregor asks for clarification, does he  
3 not? He says: "At the point Hal was running it, was he first  
4 or Dave?"

5 Do you see that?

6 A. I do.

7 Q. And you respond in 2016: "Dave, then Hal."

8 A. Yes.

9 MR. FREEDMAN: Your Honor, if this is a good time to  
10 take a break.

11 THE COURT: All right. Certainly. Let's go ahead and  
12 take a 20-minute recess.

13 (Jury not present, 11:23 a.m.)

14 THE COURT: We're on a 20-minute recess.

15 MR. FREEDMAN: Thank you, Your Honor.

16 (Recess from 11:23 a.m. to 11:44 a.m.)

17 THE COURT: All right. Welcome back. Anything we  
18 need to address before we bring the jury back?

19 MR. FREEDMAN: Not for Plaintiffs, Your Honor.

20 MS. MCGOVERN: Not from Defendant, Your Honor.

21 (Before the Jury, 11:44 a.m.)

22 THE COURT: All right. Welcome back. Please be  
23 seated and we'll continue with the questioning.

24 BY MR. FREEDMAN:

25 Q. Dr. Wright, before the break, I asked you whether you and

1 Dave Kleiman co-created Bitcoin and you said: "No," correct?

2 A. That's what you asked me, yes.

3 Q. We looked at a document that said -- an email from you to  
4 Ira telling Ira that the tax office knows that you and Dave had  
5 been working on Bitcoin since 2008, right?

6 A. Sorry. Can I see that document again?

7 Q. Sure.

8 MR. FREEDMAN: P160, Ms. Vela. And Page 1.

9 Thank you.

10 BY MR. FREEDMAN:

11 Q. That last sentence of the first paragraph: "The tax office  
12 knows that Dave and I have been working on this since 2008."

13 COURTROOM DEPUTY: I'm sorry. Mr. Freedman, is that  
14 for everyone to see?

15 MR. FREEDMAN: I'm sorry?

16 COURTROOM DEPUTY: Is that for everyone to see?

17 MR. FREEDMAN: Yes. It's been admitted into evidence.

18 THE COURT: Yes, it's in evidence.

19 MR. FREEDMAN: Sorry.

20 THE WITNESS: Yes. That's what the document says.

21 BY MR. FREEDMAN:

22 Q. And then we looked at --

23 MR. FREEDMAN: Ms. Vela, you can take that down.

24 BY MR. FREEDMAN:

25 Q. We looked at an email between you and Robert MacGregor

1 where you confirmed Dave Kleiman was the first person after you  
2 to run the Bitcoin code, correct?

3 A. That's not what I said, no.

4 Q. Dr. Wright, isn't it true that Dave Kleiman was the first  
5 person to run the code associated with Bitcoin, that you know  
6 of?

7 A. No.

8 MR. FREEDMAN: Counsel, I am going to the deposition  
9 of Dr. Wright on March 16th, 2020, Page 171, lines 7 through  
10 19.

11 MS. MCGOVERN: One second, please. Can you repeat the  
12 citation, please?

13 MR. FREEDMAN: March 16th, 2020, Page 171, lines 7  
14 through 19.

15 MS. MCGOVERN: One second, please.

16 (Pause in proceedings.)

17 MS. MCGOVERN: Could you restate the question, please?

18 (Read back.)

19 MS. MCGOVERN: Objection, Your Honor. Improper  
20 impeachment.

21 THE COURT: Let me just get to the line.

22 MR. FREEDMAN: Your Honor, I'm specifically looking at  
23 lines 13 and 14.

24 THE COURT: The objection is overruled.

25



1 BY MR. FREEDMAN:

2 Q. Dr. Wright, do you remember on March 16th, 2020 I took your  
3 deposition and you were under oath?

4 A. I do.

5 Q. And I asked you the following questions, you gave the  
6 following answers.

7 MR. FREEDMAN: Ms. Vela, please.

8 (Video played.)

9 BY MR. FREEDMAN:

10 Q. Dr. Wright, Dave Kleiman was the first person to run the  
11 code associated with Bitcoin that you know of, correct?

12 A. Not at this point in time, no.

13 Q. Dr. Wright, isn't it true that Dave and you both wrote the  
14 code for the Bitcoin client 0.1?

15 A. No. Dave can't code at all. Never has been able to.

16 MR. FREEDMAN: Ms. Vela, can you bring up P853. Let's  
17 go to the first image for just counsel and -- you know what?  
18 Please don't put that up yet.

19 BY MR. FREEDMAN:

20 Q. Dr. Wright, bear with me one moment.

21 Dr. Wright, do you use an application called MetaNet ICU  
22 Slack Channel?

23 A. I do.

24 Q. And that's like a group where you can post messages?

25 A. Yes.

1 Q. And on that group your profile is CSW, correct?

2 A. I don't actually know, but it could be, yes.

3 Q. And is it true that only you post under the name CSW on the  
4 Slack channel?

5 A. That is true.

6 MR. FREEDMAN: Ms. Vela, please bring up P853 and the  
7 first image just for the witness and counsel.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, does that -- "CSW," do you see that?

10 A. I see it.

11 Q. Do you see a reference to "DK" for Dave Kleiman?

12 A. I do.

13 MR. FREEDMAN: Your Honor, Plaintiffs offer P853 into  
14 evidence.

15 MS. MCGOVERN: No objection.

16 MR. FREEDMAN: Can we publish this to the jury,  
17 please?

18 THE COURT: I just want to ensure that 853 --

19 MR. FREEDMAN: Just the first image.

20 THE COURT: Yes. The way it's labeled, so just this  
21 one page?

22 MR. FREEDMAN: Yes. So we will do 853.1 so we can  
23 make sure we don't do anything.

24 Can we keep track of that?

25 THE COURT: Admitted into evidence.

1 (Plaintiffs' Exhibit 853.1 received into evidence.)

2 MR. FREEDMAN: Thank you, Your Honor.

3 Can you zoom out, Ms. Vela, for a moment.

4 BY MR. FREEDMAN

5 Q. Dr. Wright, this is a copy of Slack that we've just been  
6 discussing?

7 MR. FREEDMAN: And, Ms. Vela, can you zoom in to the  
8 top two, please.

9 BY MR. FREEDMAN:

10 Q. Do you see this is posted in the thread Bitcoin-general?

11 A. I do.

12 Q. And, Dr. Wright, I asked you whether it was true that Dave  
13 Kleiman and you wrote the code for the Bitcoin client 0.1. You  
14 said: "No," correct?

15 A. Correct. He didn't write the code.

16 Q. Dr. Wright, here this gentleman named Mohrt, on August  
17 30th, 2018, posts: "So the code for the client 0.1 was pretty  
18 much Kleiman."

19 Do you see that?

20 A. I do.

21 Q. And you respond: "No. It was Dave Kleiman and I."

22 A. I did respond.

23 MR. FREEDMAN: Ms. Vela, you can take that down.

24 BY MR. FREEDMAN:

25 Q. Dr. Wright, certainly Dave was a key figure behind Bitcoin,

1 correct?

2 A. Not the way you just put it, no.

3 Q. Well, let's take a look at what you said about this before  
4 Dave filed this litigation -- before Dave's estate filed this  
5 litigation.

6 Do you recall emailing Dave's late father in February 2014?

7 A. I do.

8 MR. FREEDMAN: Ms. Vela, can you please bring up P117  
9 just for the witness and counsel.

10 BY MR. FREEDMAN:

11 Q. Dr. Wright, do you recognize this as an email from yourself  
12 to Louis Kleiman, Dave's late father, speaking about Dave and  
13 Bitcoin?

14 A. I do.

15 MR. FREEDMAN: Your Honor, we offer P117 into  
16 evidence.

17 MS. MCGOVERN: No objection.

18 THE COURT: Admitted into evidence.

19 (Plaintiffs' Exhibit 117 received into evidence.)

20 MR. FREEDMAN: Can we please publish? Can we zoom  
21 into the email from Dr. Wright, please.

22 BY MR. FREEDMAN:

23 Q. Dr. Wright, this is an email from February 11th, 2014. Do  
24 you see that?

25 A. I do.

1 Q. And it's from yourself, craig.wright@hotmail.com. Do you  
2 see that?

3 A. I do.

4 Q. And you wrote: "Hello, Louis."

5 Do you see that?

6 A. Yes.

7 Q. "Your son Dave and I are two of the three key people behind  
8 Bitcoin."

9 A. Yes.

10 Q. You typed that?

11 A. I did.

12 Q. And then, Dr. Wright, two paragraphs down you say know also  
13 that Dave was a key part of an invention that will  
14 revolutionize the world."

15 A. Yes.

16 Q. Do you see that?

17 A. Yes, I do.

18 MR. FREEDMAN: Thank you. Ms. Vela, you can take that  
19 down.

20 Ms. Vela -- my co-counsel makes a good point. Can you  
21 bring that document back, please.

22 BY MR. FREEDMAN:

23 Q. Dr. Wright, when you tell Mr. Kleiman that: "Your son Dave  
24 and I are two of the three key people behind Bitcoin," you put  
25 a link to "What is Bitcoin explained."

1 Do you see that?

2 A. I see it.

3 Q. And when you tell him that: "Know that Dave was a key part  
4 of an invention that will revolutionize the world," you put  
5 another link to Bitcoin Wins Best Technology Achievement But  
6 Satoshi Doesn't Show"?

7 A. Yes.

8 Q. You tell him Dave was a key part of Bitcoin, and then you  
9 link to a story that talks about the fact that Satoshi isn't  
10 showing up, correct?

11 A. Yes. I didn't show. That was -- I didn't turn up.

12 MR. FREEDMAN: Thank you, Ms. Vela. Can you bring  
13 that down.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, isn't it true that it's just not that Dave  
16 Kleiman co-created Bitcoin with you, but he also was the other  
17 half of Satoshi Nakamoto?

18 A. No. What is true is I exaggerated because Dave had no one  
19 remember him, and he was the most important person in my life  
20 for many years. I ended up -- sorry. I'm just trying to say  
21 this. It's hard.

22 I failed my first marriage because I didn't talk to my  
23 wife. I was a director in an accounting firm. I was on  
24 partner track, and she didn't want me to do this. And I talked  
25 to Dave and he talked me into it.

1 I took a redundancy in December of 2008, and Dave talked me  
2 into doing that. He said follow my dreams. And despite my  
3 wife's reservations, I didn't even talk to her. I took the  
4 thing and just came home one day and said: "Honey, I'm doing  
5 Bitcoin and I'm spending our money and I'm not going to work  
6 for two years."

7 I failed my marriage because I wanted to invent this thing,  
8 and Dave understood. So yes, he was critical to me. I don't  
9 know how else to put it.

10 And yes, I was a terrible freaking husband. I put my  
11 invention over my marriage. And I'm sorry for that. And my  
12 wife has forgiven -- my first wife has forgiven me now. But I  
13 should never have done that. I should have talked to her. And  
14 I talked to Dave. And I put him before my wife, and I let him  
15 talk me into it. So yes, he was important. And for that, I  
16 told his father how important he was to me. And he was.  
17 Always. I loved him.

18 Q. Dr. Wright, I asked you whether or not Dave Kleiman was the  
19 other half of Satoshi Nakamoto. Yes or no?

20 A. No, he was not.

21 Q. And, Dr. Wright, isn't it true, though, that Satoshi was a  
22 team?

23 A. No, that's not technically true. But without a lot of  
24 people helping me in the community -- and I mean a lot.

25 Without Hal Finney it would have failed. Without Bear it would



1 have failed. Christ, I hate his guts, but without Theymos it  
2 would have failed. Michael Marquette. He's a complete shit.

3 Q. Dr. Wright, isn't it true that the Satoshi team died with  
4 Dave?

5 A. To me, yes. Everything in my heart died when Dave died.

6 MR. FREEDMAN: Ms. Vela, can you please bring up P139,  
7 and let's go to Page 4, please.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, this is an email between you and Ira Kleiman on  
10 March 7th, 2014. Do you see that?

11 A. I do.

12 Q. You say to him: "Ira, what is true? I had math skills and  
13 some coding that, frankly, was crud. Better than some, but  
14 really, dave could edit his way through hell and back. I am  
15 not a team player. I am a terrible boss and slave driver. But  
16 with Dave, I was far more. Satoshi was a team. Without the  
17 other part of that team, he died."

18 Do you see that?

19 A. Yes.

20 Q. Dave Kleiman was the other part of that Satoshi team?

21 A. No.

22 MR. FREEDMAN: Ms. Vela, you can take that down.

23 Thank you.

24 BY MR. FREEDMAN:

25 Q. Dr. Wright, you gave an interview in February 2019 called

1 "Is Craig Wright the Real Satoshi?"

2 You recall that?

3 A. Not off the top of my head, no.

4 Q. It was for a podcast called the Bad Crypto Podcast. Do you  
5 recall that?

6 A. I'm sorry. I've given lots of interviews. I don't recall  
7 individual ones, no.

8 Q. It took place on February 20th, 2019?

9 A. I'm sorry. I don't recall it.

10 MR. FREEDMAN: Ms. Vela, for just counsel and the  
11 witness, can you put up the PDF associated with P434.

12 BY MR. FREEDMAN:

13 Q. Dr. Wright, can you take a moment to review this document  
14 and let me know if it refreshes your recollection that you, in  
15 fact, gave an interview called "Is Craig Wright the Real  
16 Satoshi?" for the Bad Crypto Podcast in February of 2019?

17 A. It's my picture. I don't recognize the people. I don't  
18 remember. I'm sorry.

19 Q. Dr. Wright, do you recall that as part of this podcast you  
20 talked about Dave Kleiman and his part in the Satoshi Nakamoto  
21 partnership?

22 A. I don't recall the podcast, so I can't answer that yes.

23 MR. FREEDMAN: Your Honor, at this point we would like  
24 to introduce the audio file from P434.

25 MS. MCGOVERN: Objection. Hearsay.

1 MR. FREEDMAN: It's the statements of Dr. Wright  
2 recorded.

3 THE COURT: The objection is overruled. I'll allow  
4 it.

5 MR. FREEDMAN: Ms. Vela, can you please play for us  
6 the audio file from the relevant portion of this audio file  
7 from 5 minutes, 18 seconds.

8 (Audio played.)

9 MR. FREEDMAN: Ms. Vela, that's the wrong clip. I'm  
10 sorry. P434. P434.

11 (Audio played.)

12 MR. FREEDMAN: Can you let that play for one more  
13 second.

14 (Audio played.)

15 MR. FREEDMAN: Thanks, Ms. Vela. You can stop that  
16 now.

17 BY MR. FREEDMAN

18 Q. So, Dr. Wright, Satoshi Nakamoto was a partnership that  
19 ceased to be a partnership when Dave Kleiman died; isn't that  
20 correct?

21 A. No.

22 Q. Dave's never going to be here again, Dr. Wright.

23 MS. MCGOVERN: Objection.

24 THE COURT: Sustained.

25

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, would there be merit in saying Dave Kleiman was  
3 actually part of the Satoshi team?

4 A. There would be no merit.

5 Q. Dr. Wright, do you remember appearing for The Crypto Show  
6 podcast on November 12th, 2018?

7 A. Not off the top of my head, no.

8 MR. FREEDMAN: Your Honor, we would seek to impeach  
9 the witness with a prior inconsistent statement.

10 THE COURT: What exhibit is this?

11 MR. FREEDMAN: It's not an exhibit because it's an  
12 impeachment exhibit, but it's an audio file.

13 MS. MCGOVERN: I believe it's improper impeachment.  
14 Your Honor, also this is far outside the time frame, far  
15 outside the time after Dave Kleiman's reported to have died in  
16 2013. Hearsay, Your Honor.

17 MR. FREEDMAN: It's a statement of Dr. Wright.

18 THE COURT: Yes. The objection on grounds of hearsay  
19 is overruled.

20 MS. MCGOVERN: We also object on improper impeachment,  
21 Your Honor.

22 THE COURT: Again, I don't have an exhibit so I'm not  
23 certain if it is or not. But both the attorneys have had an  
24 opportunity to listen to it?

25 MR. FREEDMAN: No, Your Honor. It's an impeachment

1 exhibit. It doesn't need to be disclosed per the Court's  
2 rules.

3 MS. MCGOVERN: No. We have not heard it before.

4 THE COURT: All right. Mr. Freedman, if you're making  
5 a representation that that is truly for purposes of  
6 impeachment, then I'll allow it.

7 MR. FREEDMAN: It is for purposes of impeachment.

8 So we're on the same page, madam court reporter, did  
9 you mind reading back the question and answer?

10 (Read back.)

11 MR. FREEDMAN: Ms. Vela, can you please play The  
12 Crypto Show podcast.

13 (Audio played.)

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, there would be merit in saying that?

16 A. I said there was merit in saying that. There's not merit  
17 in whether he was. So no, he wasn't.

18 Q. Dr. Wright, I believe yesterday we talked about a  
19 conversation between you and a reporter, Brendan Sullivan. Do  
20 you recall that conversation?

21 A. Not really. I know I had someone try and call me on a  
22 broken Skype line and I could hardly hear. If we're talking  
23 about the same person, then I recall hardly being able to hear  
24 a person on the other end of the line.

25 Q. Do you recall telling Mr. Sullivan that you are the only

1 surviving member of Satoshi?

2 A. I did not say such a thing.

3 Q. Do you recall telling Mr. Sullivan that you are the a-hole  
4 Satoshi and Dave was the nice one?

5 A. I did not say such a thing.

6 MS. MCGOVERN: Objection, Your Honor. This is  
7 improper impeachment. It's hearsay. And it's before Your  
8 Honor for purposes of decision. It was also addressed earlier.

9 THE COURT: Why don't we hold off until the Court has  
10 an opportunity to review it.

11 MR. FREEDMAN: I was not going to move forward with  
12 any impeachment --

13 THE COURT: With regard to the underlying statements,  
14 the objection is sustained.

15 BY MR. FREEDMAN:

16 Q. Dr. Wright, you've admitted that Dave has control over --  
17 rather, had control over the Satoshi Nakamoto user accounts;  
18 isn't that correct?

19 A. Yes. After 2011, he was in control of them for a time.

20 Q. Dr. Wright, whoever used the pseudonym Satoshi Nakamoto --  
21 we say it was a partnership; you say it was you -- used the  
22 email address satoshi@vistomail.com, correct?

23 A. Sorry. Can you rephrase that?

24 Q. Satoshi@vitstomail.com.

25 A. Didn't hear the first part of the question. Sorry.

1 Q. Did Satoshi Nakamoto use the email address  
2 satoshi@vistomail.com?

3 A. I did.

4 Q. I asked just if Satoshi Nakamoto used the email address  
5 satoshi@vistomail.com?

6 A. I did.

7 Q. In fact, Dr. Wright, satoshi@vistomail.com was the email  
8 address that Satoshi Nakamoto used to email the original  
9 Bitcoin Whitepaper, correct?

10 A. No.

11 Q. It's the email Satoshi Nakamoto used for the original  
12 message from Satoshi Nakamoto announcing Bitcoin to the  
13 cryptography mailing list?

14 A. Yes.

15 Q. Dr. Wright, Dave had that Vistomail account, correct?

16 A. After May 2011, yes.

17 Q. Well, let's go take a look at your communications with Ira  
18 in 2014.

19 MR. FREEDMAN: Ms. Vela, can you please bring up P119,  
20 and just for the witness and counsel. I know a form of this is  
21 in evidence. I'm not sure P119 is.

22 MS. MCGOVERN: It is not.

23 BY MR. FREEDMAN:

24 Q. Dr. Wright, do you recognize this as an email communication  
25 between you and Ira Kleiman about Dave Kleiman?

1 A. I do.

2 MR. FREEDMAN: Your Honor, Plaintiffs offer P119 into  
3 evidence.

4 MS. MCGOVERN: No objection.

5 THE COURT: Admitted into evidence.

6 (Plaintiffs' Exhibit 119 received into evidence.)

7 BY MR. FREEDMAN:

8 Q. Dr. Wright --

9 MR. FREEDMAN: Can we publish to the jury, please.

10 Thank you.

11 BY MR. FREEDMAN:

12 Q. Dr. Wright, at the bottom of this email, it is Ira Kleiman  
13 sending an email to you.

14 A. Yes.

15 Q. February 15th, 2014.

16 A. Yes.

17 Q. Days after you first initiate contact with the Kleiman  
18 estate.

19 A. Yes.

20 Q. "Hi, Craig. I'm Dave's brother Ira. I heard via Patrick  
21 that you and my brother worked on some tech projects together.  
22 If what he told me was true, I would be very impressed. Can I  
23 ask" -- we can go to the last paragraph -- "can I ask you if  
24 Dave played a part in writing the original PDF under the Asian  
25 alias?"



1 Do you see that?

2 A. Yes.

3 Q. He is talking about the Bitcoin Whitepaper and Satoshi  
4 Nakamoto, correct?

5 A. I believe that's what he meant, yes.

6 Q. And then he says, he finishes the email: "I just think it  
7 would be cool to know that David played a part in creating  
8 something so incredible."

9 Do you see that?

10 A. I do.

11 MR. FREEDMAN: Ms. Vela, can you scroll up to  
12 Dr. Wright's response. No. Up, up, up.

13 BY MR. FREEDMAN:

14 Q. Dr. Wright, you respond back: "Hi, Ira. Dave and I  
15 completed several papers and books and had a company together.  
16 I cannot say much right now, but yes, Dave was involved with  
17 that PDF. He had the Vistomail account. I had the GMX one."

18 Do you see that, Dr. Wright?

19 A. I see it.

20 Q. Did you say he only had the Vistomail account in 2011?

21 A. Yes. I exaggerated Dave's role because I wanted him to be  
22 part of it and no one remembered him.

23 Q. So let me make sure I understand what you're saying.

24 You're saying you told Ira Kleiman in 2014 that Dave always  
25 had the Vistomail account from the very beginning, but that was

1 not true, you were just exaggerating his role; is that correct?

2 A. I didn't say that he had it from the beginning, and yes, I  
3 did exaggerate. I wanted Dave to be remembered. It was  
4 important to me.

5 Q. Dr. Wright, isn't it true that you are now claiming  
6 exaggeration after -- only after you've been sued by the  
7 Kleiman estate?

8 A. No. You put me under oath. When I said this to Ira, I was  
9 exaggerating to a family member about a person in my life that  
10 I loved and I wanted remembered, to a person I thought should  
11 care about it, a person who should think that he's more. So  
12 yes, I exaggerated about a loved one to someone I thought was  
13 family.

14 Q. Dr. Wright, isn't it true that the Vistomail account was  
15 Dave's account that he let the partnership use?

16 A. No. The Vistomail account was securer. It was owned and  
17 controlled and my lawyers had access to it until the account  
18 got closed down when they found out that I still had access.

19 Q. I assume we'll hear from these lawyers in the case,  
20 Dr. Wright?

21 A. The British ones.

22 MR. FREEDMAN: Ms. Vela, can you take that down,  
23 please.

24 BY MR. FREEDMAN:

25 Q. Well, Dr. Wright, let's see what you said about whether or

1 not the Vistomail account was Dave's account a few days after  
2 Dave dies. Okay?

3 A. (No verbal response.)

4 Q. You had a blog entitled "Cracked, Insecure and Generally  
5 Broken"?

6 A. I had a blog run by staff members, yes.

7 Q. And on April 30th, 2013, four days after Dave was found  
8 deceased in his home, you made a post on that blog; isn't that  
9 right?

10 A. I instructed a post to be loaded.

11 Q. And Dr. Wright, in that post you said: It was Dave's  
12 Vistomail account that allowed me to start some of my more  
13 radical ideas; is that correct?

14 A. The blog posted that.

15 MR. FREEDMAN: Ms. Vela, can you please put up P864.

16 BY MR. FREEDMAN:

17 Q. Dr. Wright, you see --

18 MR. FREEDMAN: Ms. Vela, you can put it up just for  
19 the witness and counsel, please.

20 BY MR. FREEDMAN

21 Q. "Cracked, Insecure and Generally Broken," Dr. Wright, it is  
22 your blog?

23 A. It was a blog run under my name and under my instruction.

24 MR. FREEDMAN: And, Ms. Vela, can you bring us to Page  
25 3.

1 BY MR. FREEDMAN:

2 Q. Post entitled "Dave Kleiman," Dr. Wright, dated April 30th,  
3 2013?

4 A. Yes.

5 MR. FREEDMAN: Your Honor, Plaintiffs offer P864 into  
6 evidence.

7 MS. MCGOVERN: No objection.

8 THE COURT: 864. Is that correct?

9 MS. MCGOVERN: No objection.

10 THE COURT: All right. Admitted into evidence.

11 (Plaintiffs' Exhibit 864 received into evidence.)

12 MR. FREEDMAN: Can we publish that to the jury,  
13 please.

14 BY MR. FREEDMAN

15 Q. Dr. Wright, across the top "Cracked, Insecure and Generally  
16 Broken," right?

17 A. Yes.

18 Q. On the left-hand side is a picture of you in a tuxedo and a  
19 bow tie, correct?

20 A. Yes.

21 Q. "Craig S. Wright" with your email address, right?

22 A. Yes.

23 MR. FREEDMAN: Ms. Vela, can you bring us to Page 3,  
24 which has the post from April 30th, 2013.

25

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, this is four days after Dave is found deceased  
3 in his home, correct?

4 A. No, it's not. This was edited later.

5 Q. It was edited later, Dr. Wright. This is a preedited  
6 version of it. I'm going to show you the edited version next.  
7 Okay?

8 A. This is not the original version either.

9 Q. Okay. Dr. Wright, this is how it existed before 2015,  
10 correct?

11 A. I don't know. I didn't run the blog.

12 Q. All right. Dr. Wright, I'm looking about maybe two-thirds  
13 of the way, on the bottom third of the email. It says: "It  
14 was Dave's Vistomail account that allowed me to start some of  
15 my more radical ideas."

16 Do you see that?

17 A. I see that.

18 Q. And you testified earlier that that's what it said,  
19 correct?

20 A. Sorry. That's what what said? The blog?

21 Q. That your blog post --

22 MS. MCGOVERN: If you could please allow the witness  
23 to fully answer the question.

24 THE COURT: Have you finished your answer, sir?

25 THE WITNESS: I hadn't.

1 THE COURT: All right. Go ahead.

2 THE WITNESS: So I'm asking you just to explain. So  
3 repeat.

4 BY MR. FREEDMAN:

5 Q. I'm sorry?

6 A. Can you please repeat.

7 Q. Yes. I asked you earlier whether or not the blog post said  
8 that: "It was Dave's Vistomail account that allowed me to  
9 start some of my more radical ideas," and you said: "Yes."

10 A. You've used two things. One, was it the blog post that  
11 said that. And I said: "Yes." And two, was it my blog post,  
12 and I went: "No."

13 Q. I never asked if it was your blog post, Dr. Wright. I just  
14 showed you that it's your blog with your picture on it.

15 A. I believe you said: "Your blog post."

16 Q. All right. Dr. Wright, is it your testimony today that it  
17 wasn't you but someone else wrote this personal tribute to your  
18 best friend four days after he died?

19 A. I wrote a tribute. I send them to staff members. The way  
20 that my blog works, even now, is I write a Word document or a  
21 handwritten document. I hand it to one of the staff members.  
22 Right at the moment it's Sebastian. In the past it's been  
23 other people. They then publish it. I don't publish on my  
24 blogs.

25 Q. But you wrote it, Dr. Wright?

1 A. I didn't write this one. I wrote a document. Many times  
2 the documents I have had have been edited and changed.

3 MR. FREEDMAN: Counsel, I'm going to the deposition of  
4 Craig Wright, March 16th, 2020, Page 166, lines 2 through 20.

5 MS. MCGOVERN: One second, please. Could you repeat  
6 the lines.

7 MR. FREEDMAN: Page 166, lines 2 through 20.

8 (Pause in proceedings.)

9 MR. FREEDMAN: 2 through 23, rather.

10 MS. MCGOVERN: No objection.

11 BY MR. FREEDMAN:

12 Q. Dr. Wright, do you remember on March 16th, 2020 I took your  
13 deposition?

14 A. I remember a deposition with you, yes.

15 Q. And I asked you the following questions and you gave the  
16 following answers:

17 "Question: Do you recall this post?

18 "Answer: I recall the post on the tracking project that I  
19 had on my ranch in Australia.

20 "Question: Can you go down to Page 3 of 7 for me to the  
21 post that starts up Tuesday, 30th of April, 2013, entitled  
22 'Dave Kleiman.'

23 "Answer: Yes. I see that.

24 "Question: Do you see about three-quarters of the way down  
25 the page there's a paragraph that starts off: 'It was Dave's

1 Vistomail account that allowed me to start some of my more  
2 radical ideas'?

3 "Answer: Yes.

4 "Question: Is this the satoshi@vistomail account?

5 "No.

6 "Answer: Which account was that?"

7 Sorry.

8 "Answer: No.

9 "Question: Which account was that?

10 "Answer: I do not remember the exact name. I haven't kept  
11 it.

12 "Question: But you did write this; is that correct?

13 "Answer: I did write this. That is correct."

14 MR. FREEDMAN: Ms. Vela, can we please take down the  
15 deposition of Dr. Wright.

16 BY MR. FREEDMAN:

17 Q. Dr. Wright, at some point after this that blog post was  
18 edited, wasn't it?

19 A. After this, no. The blog post was edited in 2014, I think  
20 it was. First in '13. So no, not after this. The deposition,  
21 it was never -- it was already closed by the time of the  
22 deposition.

23 MR. FREEDMAN: Ms. Vela, can you please bring up P864  
24 just for counsel and the witness.

25



1 BY MR. FREEDMAN:

2 Q. Dr. Wright, this is a version of the blog -- of the blog  
3 that was pulled by our office through the Wayback Machine, and  
4 it's dated from 2000 -- as it appeared in about 2015. Do you  
5 recognize this as your blog post?

6 A. I recognize it as the blog that I controlled.

7 MR. FREEDMAN: And, Ms. Vela, can you go to the same  
8 post. So we're going to be at Page 3.

9 BY MR. FREEDMAN

10 Q. See Page 3?

11 A. I see that.

12 Q. Okay.

13 MR. FREEDMAN: Your Honor, Plaintiffs would offer P865  
14 into evidence.

15 MS. MCGOVERN: No objection, Your Honor.

16 THE COURT: Admitted into evidence.

17 (Plaintiffs' Exhibit 865 received into evidence.)

18 MR. FREEDMAN: And, Ms. Vela, can we publish -- okay.  
19 On the left-hand side, Ms. Vela, can we make sure that we have  
20 not P865, but P864, which is the original post, Page 3.

21 Okay. And can you highlight for the jury on the left  
22 side the original post: "It was Dave's Vistomail account that  
23 allowed me to start some of my more radical ideas." And on the  
24 right-hand side, Ms. Vela, this is the 2015 version. Can you  
25 go to Page 3. Can you zoom in on the Dave Kleiman story.

1 BY MR. FREEDMAN

2 Q. Dr. Wright, this story is nearly identical; is that  
3 correct?

4 A. That's not the original post on the left.

5 MR. FREEDMAN: Okay. Ms. Vela, can you highlight for  
6 the jury: "To him" and: "He always had a part of my heart,"  
7 on the right-hand side.

8 Can you put a red line underneath that to signify  
9 what's missing, and can you highlight: "We helped fund  
10 long-distance communications."

11 Ms. Vela, on the left-hand side, can you now also  
12 highlight: "It was to him and he always had a part of my  
13 heart," on the left-hand side.

14 Put a line through the part that's missing on the right.  
15 And then can you highlight: "We helped fund long-distance  
16 communications."

17 BY MR. FREEDMAN:

18 Q. Dr. Wright, the original post, four days after Dave Kleiman  
19 dies, says: "It was Dave's Vistomail account that helped me  
20 start some of my more radical ideas," and sometime later you  
21 delete that sentence from the blog post?

22 A. That's not --

23 MS. MCGOVERN: Objection. Foundation.

24 THE COURT: Overruled.

25 THE WITNESS: That's not the original post. If you

1 actually zoom out, you will see that it's a 2014 edit.

2 BY MR. FREEDMAN:

3 Q. Yes, Dr. Wright. You edited it to remove that line, did  
4 you not?

5 A. No. I don't control my blog posts.

6 MR. FREEDMAN: Okay. Ms. Vela, you could take those  
7 down. Thank you.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, beside the satoshi@vistomail account, there was  
10 another Satoshi Nakamoto account, correct?

11 A. There were actually two others, but yes.

12 Q. One was a GMX one, right?

13 A. That's correct.

14 Q. Dave had access to that account too?

15 A. No, I don't think he actually did. But he may have. I  
16 sent a lot of things to him in 2011. I don't recall if I gave  
17 him that one.

18 Q. Did you give him access to the GMX account?

19 A. I don't recall that I gave him the GMX account, no.

20 MR. FREEDMAN: Ms. Vela, do we have a PDF of  
21 Dr. Wright's deposition so we can help refresh his  
22 recollection.

23 Why don't we show him the deposition of April 4th,  
24 2019, Page 211, lines 12 through 24.

25

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, why don't you review that and let me know if  
3 that helps refresh your recollection of whether or not you gave  
4 Dave Kleiman access to the other Satoshi Nakamoto account.

5 A. If I said in the past that I did, I would have. But I  
6 don't recall it now.

7 Q. Did you read that deposition, Dr. Wright?

8 A. I did.

9 Q. Does that refresh your recollection?

10 A. No. But if I said that, it would be what I actually knew  
11 in the past. I don't remember everything.

12 MR. FREEDMAN: Your Honor, we would like permission to  
13 play the clip of Dr. Wright.

14 MS. MCGOVERN: Objection.

15 THE COURT: All right.

16 MR. FREEDMAN: Ms. Vela, can you please play clip 28.

17 (Video played.)

18 BY MR. FREEDMAN:

19 Q. To be clear, Dr. Wright, you never gave anyone else access  
20 to the GMX account, correct?

21 A. Incorrect.

22 MR. FREEDMAN: Counsel, I'm going to the deposition of  
23 Dr. Wright, April 4th, 2019, Page 212, lines 17 through 19.

24 MS. MCGOVERN: One second, please.

25 (Pause in proceedings.)

1 MS. MCGOVERN: Could you restate the question, please?

2 (Read back.)

3 MS. MCGOVERN: Your Honor, we have no objection but  
4 ask that the statement that's being read to the jury focus on  
5 the proposed lines that go to the exact question that's being  
6 asked and not overly included in the entire page.

7 MR. FREEDMAN: Two lines, Ms. McGovern.

8 MS. MCGOVERN: No objection.

9 THE COURT: Okay.

10 MR. FREEDMAN: Ms. Vela, can you play clip number 29.

11 (Video played.)

12 BY MR. FREEDMAN:

13 Q. Want to change your answer, Dr. Wright?

14 A. No. My answer stands, because what I found out after that  
15 deposition was that giving access to other things equaled  
16 giving that. So at the point where I said that I believed it  
17 was true, and I found out I was wrong.

18 Q. Dr. Wright, isn't it true that Dave also had access to  
19 Satoshi Nakamoto's Bitcointalk account?

20 A. No. Nobody had access to the Bitcointalk account.

21 Bitcointalk was moved from the original Bitcoin.org site, and  
22 the Bitcointalk forum that you're talking about didn't exist  
23 until I think June 2011, which was -- or basically six months  
24 after I stopped talking.

25 MR. FREEDMAN: Counsel, I'm going to the deposition of

1 Craig Wright, April 4th, 2019, Page 133, lines 9 through 20.

2 MS. MCGOVERN: Could you restate the citation. I  
3 apologize. Restate the citation?

4 MR. FREEDMAN: It is Page 133, lines 9 through 20.

5 MS. MCGOVERN: One second, please.

6 (Pause in proceedings.)

7 MS. MCGOVERN: No objection.

8 MR. FREEDMAN: Ms. Vela, please play clip number 30 of  
9 Bitcointalk.

10 (Video played.)

11 MS. MCGOVERN: Your Honor, for completeness we would  
12 simply ask that the remainder of that thing that went to the  
13 jury be played.

14 THE COURT: All right. The remaining line.

15 MR. FREEDMAN: That's no problem.

16 Go ahead, Ms. Vela.

17 (Video played.)

18 BY MR. FREEDMAN:

19 Q. So you and Dave used the account until December of 2010?

20 A. You have put two things there and two different things that  
21 you're conflating. You asked me first about Bitcoin.org and  
22 then you mentioned Bitcointalk, and you said: "Bitcointalk,"  
23 question mark, and I said: "Yes, Bitcointalk." We were then  
24 talking about Bitcoin.org again.

25 Yes, and the Bitcoin.org system is a separate system. It's

1 public record. So if you do a WHOIS -- which I don't know if  
2 people know what is a WHOIS. But in Internet terms you can see  
3 when a domain is set up.

4 Bitcointalk forum was constructed in around April of 2011.  
5 A lot of the reason was people who were behind Silk Road didn't  
6 want me ever coming back to Bitcoin. They still don't. So  
7 they removed the Bitcoin.org accounts and moved them to a new  
8 server, ensuring that the Satoshi account could never access  
9 them.

10 All of this is easy to validate. You just go to the site  
11 WHOIS.org, type in Bitcointalk's domain, and you will see that  
12 it didn't exist in 2010. It was actually a new server  
13 constructed.

14 So when I'm answering, there are two things. One,  
15 Bitcoin.org account I had access to. When that was shut down,  
16 by Cobra and Marty and others, to get rid of me, I no longer  
17 had access. I gave that account to Dave, that is correct, but  
18 he could not access Bitcointalk.

19 Q. I want to make sure I understand your testimony. You did  
20 give Dave access to Satoshi's account on Bitcoin.org, but you  
21 never had access to a Bitcointalk account?

22 A. The Bitcointalk account was set up after I left as Satoshi  
23 on the forums. So Bitcoin.org/forums and forums.bitcoin.org  
24 existed while I was actually posting as Satoshi. Most people  
25 in the community don't even realize that's the case. They

1 weren't there in 2010, so they don't actually know this.

2 So yes, I posted on Bitcoin.org, only Bitcoin.org. My  
3 posts as Satoshi were then replicated with a few deleted.  
4 People don't realize there are a few key posts that I made  
5 talking about Silk Road and how it -- it was complete shit.  
6 Only word I can use for it. I'm trying not to swear. I'm  
7 sorry. I'm Australian. I'm finding this hard to say without  
8 swearing.

9 Anyway, to try and say this a different way, yes, in order  
10 to totally delete what I said about Silk Road and a few things  
11 that I said to Buddy, Russel, Rick, and others about the --  
12 that they were doing, expletive not said, people completely  
13 rebuilt the site minus several of my posts.

14 Q. Dr. Wright, that's not what I asked. All I asked you is:  
15 Did you give Dave Kleiman access to the Satoshi account on  
16 Bitcoin.org?

17 A. Effectively, no, because the site was no longer linked.  
18 Technically, yes.

19 Q. Dr. Wright, in this litigation, you are claiming that you  
20 and Dave each had your own Bitcoin that you both kept  
21 separately; is that correct?

22 A. Yes.

23 Q. But in reality, the two of you mined Bitcoin jointly; isn't  
24 that correct?

25 A. Sorry. Could you say that again?



1 Q. You and Dave mined Bitcoin jointly; isn't that correct?

2 A. No. The person who invented pooled mining, Steve Shadders,  
3 actually works for nChain now. I hired him early on. The  
4 creation of pool mining was not till the later half of 2010.  
5 So what that enabled was someone to run a node and for others  
6 to get paid partly in conjunction with a separate subsystem  
7 over Bitcoin. So that let someone set up a node and then have  
8 mining systems that didn't validate the whole block.

9 So when I first launched Bitcoin, there were no sort of  
10 shared mining facilities, pool mining facilities that you see  
11 now. That didn't come across until Steve and others created  
12 that in around August 2010.

13 Now, you could have -- like one of the things that weren't  
14 mentioned here was -- no one knew about it, apart from Satoshi  
15 back in the early day because I invented it. But I had this  
16 thing called a multi-sig key. So if you were joint mining, you  
17 could do things such as forming arrangements like two of two,  
18 three of three, et cetera. So you could have person A and  
19 person B each have a key in a transaction, allowing them either  
20 to be joint, both require -- like with a two-of-two, both would  
21 have to sign. With a one-of-two, then one party could sign.

22 Imagine it like a checkbook where sometimes you need --  
23 like in your business you need to have three signatures. You  
24 could do that. Imagine a checkbook where there are three  
25 people in the organization, directors, and any of the two of

1 those three people could sign and that would work. That was  
2 also there.

3 So all of that was actually there when I launched Bitcoin,  
4 but no one used it. I could have. I didn't. So the very  
5 simple thing here is no. Although I had that built in, that  
6 you could do it, it was never done.

7 Q. So, Dr. Wright, you're claiming that the two of you did not  
8 mine Bitcoin jointly.

9 A. No. Joint mining didn't happen until around July, August  
10 of 2010. There was no joint mining before then. And even  
11 then, the joint mining, the way that it works is, the pool  
12 operator has a series of records that are able to be publicly  
13 audited. So this is the great thing with Bitcoin. My  
14 invention is something that an anal auditor like me -- I used  
15 to be an auditor, as I said -- loves. It is a public ledger  
16 that is immutable. It can't be deleted. All of the records of  
17 every person, every company that's mined from 2011 on is  
18 public.

19 Now, why a lot of people don't want some of the records  
20 that I hold, including the encrypted things that Dave has, is I  
21 collected, when I was Satoshi, every single IP address of every  
22 person on the network. So it's not joint mining, but I  
23 recorded all of these people who haven't paid tax to the IRS.  
24 I recorded all of these people in the early days, and I have  
25 all of their information. So strangely enough, these people

1 keep trying to break into my systems. So very simply, no joint  
2 mining.

3 MR. FREEDMAN: Your Honor, move to strike as  
4 nonresponsive.

5 MS. MCGOVERN: Your Honor --

6 THE COURT: At this point the motion to strike is  
7 denied.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, you and Dave Kleiman referred to Bitcoin as  
10 joint partnership property, did you not?

11 A. No, not ever.

12 Q. Let's look at the way you referred to Bitcoin before Dave's  
13 estate filed the lawsuit.

14 MS. MCGOVERN: I apologize. I didn't hear the  
15 question.

16 MR. FREEDMAN: I said I'd like to now look at some  
17 statements you made before we filed this lawsuit. Okay.

18 THE WITNESS: Yes.

19 BY MR. FREEDMAN

20 Q. We've previously looked at your statement to the New South  
21 Wales police, correct?

22 A. Yes, I did.

23 MR. FREEDMAN: Ms. Vela, can you please bring up P464,  
24 which is already in evidence. And, Ms. Vela, can you take us  
25 to Page 7, please, of Dr. Wright's statement. It's published.

1 It's in evidence.

2 Oh, can you publish to the jury, please.

3 And can you bring us to Page 7, Ms. Vela, please, and  
4 can you please call out Paragraph 21 for me.

5 BY MR. FREEDMAN:

6 Q. Dr. Wright, in your statement to the New South Wales police  
7 you said: "I was excited by the prospect of obtaining the  
8 software. I told Mark" -- that's Mark Ferrier?

9 A. Yes.

10 Q. "I told Mark that the only way in which I would be able to  
11 finance the deal would be by paying in Bitcoin that Dave and I  
12 held."

13 Do you see that?

14 A. I do.

15 Q. So you and Dave held Bitcoin together, Dr. Wright?

16 A. No. These were company assets. The records are actually  
17 filed with the tax office.

18 Q. Does it say: "Paying in Bitcoin at companies that Dave and  
19 I hold"?

20 MS. MCGOVERN: Objection. Document speaks for itself.

21 THE COURT: Sustained.

22 BY MR. FREEDMAN

23 Q. That's not what the document says, Dr. Wright, correct?

24 A. No. You're actually trying to misrepresent this. That  
25 doesn't say partnership. Sorry.

1 Q. All right. Dr. Wright, let's take a look at your  
2 communications with Dave Kleiman. Okay?

3 A. Yes.

4 Q. In these communications, Dr. Wright, you were quite clear  
5 that the decisions about what to do with the partnership's  
6 Bitcoin would be joint decisions, were you not?

7 A. There was no partnership, so no.

8 MR. FREEDMAN: Ms. Vela, can you please bring up P459  
9 just for counsel and the witness. P591, rather.

10 MS. MCGOVERN: Oh. 591.

11 THE COURT: 591. Okay.

12 BY MR. FREEDMAN:

13 Q. Dr. Wright, do you recognize this as an email you forwarded  
14 to yourself, and below that is an email to Dave Kleiman?

15 A. I forwarded it from one email address to another, yes.

16 Q. And in it you discuss trusts with Dave Kleiman, correct?

17 A. I discussed the 2012 corporate trust that was there at the  
18 time, yes.

19 Q. And, Dr. Wright, we've seen that you have discussed mining  
20 Bitcoin with Dave Kleiman into trust with the Australian  
21 Taxation Office, have we not?

22 A. No, we have not.

23 MR. FREEDMAN: Your Honor, Plaintiffs offer P591 into  
24 evidence.

25 MS. MCGOVERN: No objection.

1 THE COURT: Admitted into evidence.

2 (Plaintiffs' Exhibit 591 received into evidence.)

3 MR. FREEDMAN: Can we please publish to the jury.

4 BY MR. FREEDMAN:

5 Q. Dr. Wright, this is an email from yourself to Dave Kleiman  
6 dated October 10th, 2012. Do you see that?

7 A. I see that.

8 Q. And you say to him: "We need to discuss the trust and work  
9 out what the F we are doing with it all."

10 Do you see that?

11 A. I do.

12 Q. So what to do with the trust Bitcoin, Dr. Wright, is a "we"  
13 decision, correct?

14 A. No. It's "we," the royal "we." As when I talk about my  
15 companies and my people, I say: "We." When I talk about the  
16 Bitcoin community, I say: "We." When I talk about nChain, I  
17 say: "We." When I talk about DeMorgan, I say: "We." When I  
18 was at BDO, I said: "We."

19 Q. Dr. Wright, in the beginning of this sentence in an email  
20 to Dave Kleiman you say: "We need to discuss the trust." Were  
21 you using the royal "we" then? You want to have a discussion  
22 with yourself?

23 A. That doesn't say: Dave, you and I need to discuss the  
24 trust." I said: "We," as in the people, "need to discuss the  
25 trust." Sorry.

1 Q. If Dave wasn't part of the people that needed to discuss  
2 the trust, Dr. Wright, why were you telling him that: "We need  
3 to discuss the trust"?

4 A. If Dave needs payment for a computer that's being built  
5 through some of my companies, then yes. The corporate sign-off  
6 needs to be done. It's very simple. I don't know about what  
7 people generally think. But when I have a company, even when  
8 I'm CEO, I don't go: "I'm just going to do whatever the hell I  
9 want." I go up to my advisers, I go up to my accountants, I go  
10 up to my other directors if there is a purchase and I go:  
11 We're going to do this. Am I totally crazy?" Sometimes I  
12 ignore them, and I usually get in trouble. Actually, every  
13 time I ignore them I get in trouble.

14 But yes, when I'm talking about large expenses, I'm talking  
15 about -- I have those people who are accountants. I have John  
16 Chesher, I have Ali. I have -- I don't remember all the names.  
17 I have all the people who are other directors. I have an audit  
18 committee. So yes, "we" is a royal "we."

19 Q. Dr. Wright, let's take another look at a communication  
20 between you and Dave Kleiman.

21 MR. FREEDMAN: Ms. Vela, please bring up P042 only for  
22 the witness and counsel.

23 Can you just zoom in to Dr. Wright's initial email on  
24 the bottom. Ms. Vela, can you just -- it is quite small. Can  
25 you just zoom in. Thank you.

1 BY MR. FREEDMAN

2 Q. Dr. Wright, do you recognize this as an email from yourself  
3 to Dave Kleiman dated May 22nd, 2012?

4 A. If you want me to be completely honest, and I know you do,  
5 I don't fully recognize it, because when I -- I hate to say it,  
6 but I was drunk.

7 Q. Okay.

8 MR. FREEDMAN: And, Ms. Vela, right above the all-caps  
9 expletives, can you just highlight that language there.

10 BY MR. FREEDMAN

11 Q. Does the email talk about trust, Dr. Wright?

12 A. Yes, it does.

13 MR. FREEDMAN: Your Honor, Plaintiffs offer P042 into  
14 evidence.

15 MS. MCGOVERN: No objection.

16 THE COURT: Admitted into evidence.

17 (Plaintiffs' Exhibit 042 received into evidence.)

18 MR. FREEDMAN: Can we publish to the jury, please.

19 BY MR. FREEDMAN:

20 Q. Dr. Wright, in this email that you have written to Dave  
21 Kleiman on May 22nd, 2012 --

22 MR. FREEDMAN: Ms. Vela, can you go to "we do not."

23 BY MR. FREEDMAN:

24 Q. -- Dr. Wright, you say to Mr. Kleiman, Dave Kleiman: "We  
25 do not touch the trusts."



1 Do you see that?

2 A. I see that.

3 Q. "We do not touch the trusts, not yet, not even for this.

4 One day they will change the world. Not millions, not

5 billions. If I am right, they will be trillions and let them

6 try to defecate on us then."

7 Do you see that, Dr. Wright?

8 A. I see that.

9 Q. I'm going to ask you again, Dr. Wright, whether or not to  
10 touch the trusts was a "we" decision, correct?

11 A. It was, with my wife Ramona.

12 Q. Dr. Wright, you and Dave agreed to keep the trust assets in  
13 place, did you not?

14 A. No. Ramona and I did. You'll see at the top it says: "A  
15 recycled rant." All I did was cut and paste the same to Dave  
16 that I just ranted to my wife. At that point she wasn't my  
17 wife, but she is now.

18 MR. FREEDMAN: Ms. Vela, can you take that down,  
19 please.

20 BY MR. FREEDMAN:

21 Q. Dr. Wright, did you not have an agreement in place with  
22 Dave Kleiman to hold Bitcoin wallets in trust until you could  
23 form a group company with them?

24 A. There was small amounts at one stage that was put in as an  
25 agreement, as a pre-incorporation document.

1 Q. Let's take a look at your own handwriting, Dr. Wright.

2 MR. FREEDMAN: Ms. Vela, can you please bring up P048.

3 BY MR. FREEDMAN:

4 Q. Dr. Wright, do you see the title of the document, "Deed of  
5 Loan"?

6 A. I see that.

7 MR. FREEDMAN: Ms. Vela, can you please bring us to  
8 Page 7. Page 6.

9 Let's go to -- try 8 then. Sorry. Page 8 -- 7 at the  
10 bottom.

11 BY MR. FREEDMAN:

12 Q. Is that your signature, Dr. Wright?

13 A. No.

14 Q. Okay. Is that your handwriting, Dr. Wright?

15 A. No.

16 Q. Do you see it mentions Dave K. at the very end? It says:  
17 "Wallets" and "Dave K" and it's got Bitcoin addresses, Bitcoin  
18 block addresses on it?

19 A. Looks like: "Dale."

20 MR. FREEDMAN: Your Honor, Plaintiffs offer --

21 MS. MCGOVERN: Objection, Your Honor. The witness has  
22 stated it's not his handwriting. Foundation. Foundation, Your  
23 Honor. Authenticity and foundation.

24 THE COURT: It goes to the weight. Overruled. It  
25 will be admitted into evidence.

1 (Plaintiffs' Exhibit 048 received in evidence.)

2 MR. FREEDMAN: Publish this to the jury.

3 BY MR. FREEDMAN:

4 Q. It says: "Deed of Loan" there, Dr. Wright, correct?

5 A. That's what it says.

6 MR. FREEDMAN: Last, Ms. Vela, please bring us to Page

7 8.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, I asked you if it was your signature on the  
10 bottom of that page, correct?

11 A. Can you just go through this one by one, please, on this  
12 document?

13 Q. Yes, I will, but first answer this question and then we'll  
14 go through it. Your signature?

15 A. No.

16 MS. MCGOVERN: Your Honor, I believe the witness  
17 simply wants to look at the document.

18 THE COURT: Yes, the witness does, but let's continue.

19 THE WITNESS: I would like to look at the document.

20 BY MR. FREEDMAN:

21 Q. Not your signature, Dr. Wright?

22 A. Not my signature.

23 MR. FREEDMAN: Counsel, I'm going to the deposition of  
24 Dr. Wright, April 4th, 2019, Page 299, lines 20 through 24.

25 Ms. Vela, can you not put anything on the screen.

1 MS. MCGOVERN: One second, Your Honor, please.

2 THE COURT: Certainly.

3 (Pause in proceedings.)

4 MS. MCGOVERN: Lines 20 to 24?

5 MR. FREEDMAN: 20 to 24.

6 MS. MCGOVERN: Page 298? What is it?

7 MR. FREEDMAN: 299.

8 MS. MCGOVERN: No objection, Your Honor.

9 MR. FREEDMAN: Ms. Vela, can you please play clip  
10 number 6 about the signature.

11 (Video played.)

12 MR. FREEDMAN: Ms. Vela, can you please put back up  
13 Exhibit P48. Can you bring us back to Page 8.

14 BY MR. FREEDMAN:

15 Q. Dr. Wright, is that your handwriting on the side? I  
16 believe you just testified: "No."

17 A. No. At the time when I first looked at this document, I  
18 didn't look at it properly. I was angry. You got me angry and  
19 I didn't examine the document correctly. I will say now that  
20 no.

21 Q. So are you admitting that you previously testified it was  
22 your handwriting?

23 A. I didn't look at the document properly, and I should have  
24 noted a number of irregularities with this document. I didn't.  
25 I'm sorry that I was angry at the time and I didn't look at the

1 document properly. I admit that.

2 MR. FREEDMAN: Your Honor, it's a party deposition.  
3 We would like to play Dr. Wright's -- Ms. Vela, can you please  
4 play clip 7.

5 (Video played.)

6 BY MR. FREEDMAN:

7 Q. Dr. Wright, let's read what you testified was your  
8 handwritten note on the side. It says: "As agreed. All  
9 wallets to be held in UK in trust until all regulatory issues  
10 solved and group company formed with Dave K. and CSW."

11 Do you see that?

12 A. That was not what I said.

13 Q. CSW is your initials, Craig Steven Wright?

14 A. No. And as I said, that looks like my handwriting. It's  
15 similar, but it's different.

16 Q. I'm sorry. CSW is not your initials?

17 A. It is not my initials.

18 Q. What are your initials, Dr. Wright?

19 A. If you're talking about initialing something or -- there  
20 are two different ways of saying that. If you're saying did I  
21 initial this and those are my initials, then the answer is no.  
22 Are my initials technically CSW, then that is yes.

23 Q. So your initials are CSW, correct?

24 A. My initials are CSW.

25 MR. FREEDMAN: Your Honor, I'm about to start another

1 module. I'm happy to keep going, but if the Court wants to  
2 take a break now.

3 THE COURT: This is a good time to stop.

4 So it is obviously 12:55, Ladies and Gentlemen. Let's  
5 go ahead and take a one-hour recess for lunch. Have a pleasant  
6 lunch.

7 (Jury not present, 12:53 p.m.)

8 THE COURT: Have a pleasant lunch.

9 (Recess from 12:53 p.m. to 1:53 p.m.)

10 THE COURT: Welcome back.

11 Please be seated. I trust everyone had a pleasant  
12 lunch.

13 Are we waiting for anybody?

14 All right. Before we bring back the jury, I did  
15 advise that I would take the lunch recess to review case law  
16 that was handed to me, and since it was handed to me and it's  
17 not of record, let me just set forth the cases that were  
18 presented.

19 The Plaintiff presented two Fifth Circuit cases. One,  
20 Dallas County v. Commercial Union Assurance Company, 286 F.2d  
21 388, and that's a Fifth Circuit Court of Appeals, 1961. And  
22 then Innovention Toys v. MGA Entertainment. The cite is also  
23 from the Fifth Circuit, 2012, Westlaw 5398476.

24 The Defendants presented the case out of the district  
25 court in Nevada, and that is American Civil Liberties Union of

1 Nevada v. City of Las Vegas and that is 13 F.Supp 2d 1064 from  
2 1998.

3 Because these were out-of-district cases, although the  
4 Fifth Circuit cases are binding on the Court, I did do some  
5 additional research and did find an Eleventh Circuit case which  
6 is United Technologies Corporation v. Mazer, 556 F.3d 1260.  
7 That's a 2009 case.

8 As we know, Brendan Sullivan's article has two layers  
9 of hearsay. One which is easily identified as a statement of a  
10 party which are the answers given by Craig Wright. The first  
11 layer is the fact that it is an article. And the Plaintiffs  
12 are claiming that the residual hearsay rule applies.

13 Let me note that with regard to Federal Rule of  
14 Evidence 803(24) and I believe you cited to Federal Rule of  
15 Evidence 804(b)(5), the residual exception to the hearsay rule  
16 was transferred to new Rule 807, so that was what the Court  
17 looked to.

18 And let me say that in looking at the cases, I do find  
19 that the Defendant's case is certainly more in line with the  
20 situation before this Court. More importantly, with regard to  
21 Mr. Sullivan and the questions that were asked of Dr. Wright  
22 and the answers that were given, the Court certainly questions  
23 the underlying circumstantial guarantees of trustworthiness.

24 And let me state the article itself is "Exclusive  
25 First Interview with Craig Wright after judge orders him to pay

1 \$5 million in Bitcoin." It was on the heels of that ruling  
2 where Judge Reinhardt had made a determination as a measure of  
3 sanctions. This Court has since rejected that order; did not  
4 adopt the Report and Recommendation. And those factual  
5 findings are not part of this case and they will not be  
6 explained to the jury.

7 So, I do not believe that it falls within the residual  
8 hearsay exception. As the Plaintiffs admit, that you attempted  
9 to obtain what would have been admissible testimony had  
10 Mr. Sullivan been present, but you're not able to. And I don't  
11 believe that Rule 807 can salvage the admissibility of  
12 Dr. Wright's statements in that article.

13 And as such, the objection would be sustained.

14 MR. FREEDMAN: Thank you, Your Honor.

15 THE COURT: Is there anything further that we need to  
16 address before we bring the jury back in?

17 MS. MCGOVERN: Not from Defense, Your Honor.

18 MR. FREEDMAN: Nor from Plaintiffs, Your Honor.

19 THE COURT: Okay. Let's bring the jury in.

20 (Before the Jury, 1:57 p.m.)

21 THE COURT: All right. Welcome back, Ladies and  
22 Gentlemen. Please be seated, everyone. I trust you had a  
23 pleasant lunch and ready to get back to work.

24 And we'll continue with the questioning of Dr. Wright.

25 MR. FREEDMAN: May it please the Court.



1 BY MR. FREEDMAN:

2 Q. Dr. Wright, before we took a break, we were looking at P048  
3 which is now evidence.

4 MR. FREEDMAN: Ms. Vela, can you put up Page 8?

5 And -- nope, Ms. Vela, P048. And Page 8.

6 Q. We were looking at your handwriting where you said: "As  
7 agreed, all wallets to be held in UK trust until all regulatory  
8 issues solved and group company formed with Dave K and CSW."  
9 Do you recall that, Dr. Wright?

10 A. I recall that I said that's not my handwriting even though  
11 I said it looks like my handwriting.

12 Q. And, Dr. Wright, I was showing this document as part of a  
13 series of questions and documents to show that you treated the  
14 Bitcoin as joint property. Do you recall that?

15 A. I recall you tried to make that claim. And I recall that I  
16 asked to see the document in full.

17 MR. FREEDMAN: And, Ms. Vela, can you take the  
18 document down?

19 BY MR. FREEDMAN:

20 Q. Dr. Wright, I'll let your lawyers show you the document in  
21 full. Okay? I'd like to move forward with the case.

22 A. I believe I'm supposed to be able to see it. You're asking  
23 me questions about it.

24 Q. No, I'm not.

25 MR. FREEDMAN: Ms. Vela, can you take the document

1 down? Thank you.

2 BY MR. FREEDMAN:

3 Q. Dr. Wright, as you'll recall, that the way Bitcoin works is  
4 that to send Bitcoin, you must have a private key to a Bitcoin  
5 address, correct?

6 A. Wrong.

7 Q. And, Dr. Wright, you recall that Mr. Antonopoulos testified  
8 he compared a private key to the PIN in a lockbox. You recall  
9 that?

10 A. Yes, he said that.

11 Q. And whomever has the PIN to the lockbox can take the  
12 Bitcoin out of the lockbox, right? That's what he testified  
13 to?

14 A. I recall that he misstated how Bitcoin works many times,  
15 yes.

16 Q. Dr. Wright, in the Australian lawsuits that we looked at  
17 against W&K, you claim that Dave Kleiman died before he could  
18 transfer 570,000 Bitcoin to you. Do you recall seeing that?

19 A. That's not what I claimed, no.

20 Q. But isn't it true, Dr. Wright, that you and Dave Kleiman  
21 shared the keys to the Bitcoin you mined? You shared the  
22 lockbox PIN number so he never needed to transfer you anything?

23 A. No, that's not correct.

24 Q. Dr. Wright, you admitted that to your wife and a few other  
25 people in 2015, did you not?

1 A. I did not.

2 Q. You told your wife that someone may have stolen your emails  
3 with Dave Kleiman. Do you recall that?

4 A. I said a lot of things were stolen and that were some of  
5 them, yes.

6 Q. And you told your wife that the keys to the Bitcoin were on  
7 those emails. Do you recall that?

8 A. No, I do not.

9 Q. And though you said that -- implied rather -- that she  
10 didn't really have to worry because the keys were encrypted  
11 with their own encryption, AES 256 encryption, so nobody could  
12 get them anyways. Do you recall that now?

13 A. That's not what I said.

14 Q. All right.

15 MR. FREEDMAN: Ms. Vela, can you please bring P290 on  
16 the screen for just counsel and the witness. And can you zoom  
17 in on the top two emails?

18 BY MR. FREEDMAN:

19 Q. Dr. Wright, you recognize this as an email from yourself to  
20 a few folks, including your wife, mentioning communications  
21 with Dave Kleiman?

22 A. I do.

23 MR. FREEDMAN: Your Honor, Plaintiffs would offer P290  
24 into evidence.

25 THE COURT: Any objection?

1 MS. MCGOVERN: No objection.

2 THE COURT: Admitted into evidence.

3 (Plaintiffs' Exhibit 290 received into evidence.)

4 BY MR. FREEDMAN:

5 Q. Dr. Wright, on the bottom of this email, Robert MacGregor  
6 is asking you: "Do you have copies of the supposedly leaked  
7 emails? What do they have?"

8 You see that?

9 A. I do.

10 Q. And, Dr. Wright, you respond on the top email from  
11 Craig S. Wright on November 21st, 2015 to Robert MacGregor --  
12 we've seen him a few times -- you put yourself in the email  
13 with your @demorgan.com.au address. You put Calvin Ayre in the  
14 email. That's the c@wyno.ca address, correct?

15 A. Yes.

16 Q. You put Ramona Watts on the email who is your wife?

17 A. Yes.

18 Q. You put Stefan Matthews on the email too?

19 A. Yes.

20 Q. Dr. Wright, you then say: "I suspect that some of the  
21 ex-staff stole backups. Worst case is my communications with  
22 Dave."

23 Do you see that?

24 A. I do.

25 Q. I want to pause here for a minute, Dr. Wright, before we go

1 on to the next sentence. You find out that there may be a  
2 theft of some of your electronic data, and the very first thing  
3 you're concerned about, the worst thing that they could  
4 possibly have, is your communications with Dave Kleiman. Do  
5 you see that?

6 A. I do.

7 Q. And then you say, Dr. Wright: "The keys are on it as well,  
8 but they are AES 256 encrypted with 24-character randomized  
9 passwords so don't worry about it."

10 Do you see that, Dr. Wright?

11 A. I see that phrase.

12 MR. FREEDMAN: Thank you, Ms. Vela. You can take that  
13 down.

14 Q. Dr. Wright, we also know you had the private key to Bitcoin  
15 that Dave mined through your statement to the police, correct?

16 A. In error.

17 Q. And through your communications with Mark Ferrier, do we  
18 not?

19 A. You do not.

20 MR. FREEDMAN: Ms. Vela, can you please bring up P464?  
21 Let's go to -- which is Dr. Wright's statement to the New South  
22 Wales Police. And let's go to Paragraph 21, please, on Page 7.

23 THE COURT: It's in evidence.

24 MR. FREEDMAN: Can we publish it to the jury, please.

25 Thank you, Your Honor.

1 BY MR. FREEDMAN:

2 Q. Dr. Wright, you say: "I told Mark the only way I'd be able  
3 to finance the deal would be by paying in Bitcoin that Dave and  
4 I held."

5 Do you see that?

6 A. I do.

7 MR. FREEDMAN: Ms. Vela, can you take us to Page 13 --  
8 can you leave that up, please, on the left side? Sorry, I  
9 should have told you that before you moved. Can you leave that  
10 up on the left side and can we zoom in on it on the left side?  
11 Just Zoom in on that one paragraph so it's just a little easier  
12 to read.

13 And the right side let's go to 56 and 57. Can you --  
14 no, just 56 and 57.

15 Thank you.

16 BY MR. FREEDMAN:

17 Q. So, Dr. Wright, you tell the Australian police in Paragraph  
18 21 that the only way you would be able to finance the deal  
19 would be by paying in Bitcoin that you and Dave held.

20 And in Paragraph 56, you say: "On August 30th, 2013 I paid  
21 MJF" -- that's Mark J. Ferrier Mining -- "the sum of 245,103  
22 Bitcoin."

23 Do you see that?

24 A. I see that.

25 MR. FREEDMAN: Thank you, Ms. Vela. You can take that

1 down.

2 BY MR. FREEDMAN:

3 Q. Dr. Wright, do you recall Bitmessages being talked about by  
4 Jonathan Warren?

5 A. Yes, I recall Jonathan Warren.

6 Q. And Bitmessages are a method of communication almost like  
7 an email service of some kind.

8 A. Not really, but it's a -- more like WhatsApp.

9 Q. Okay. And, Dr. Wright, isn't it true that you have the  
10 private key to Dave's Bitmessage account in your possession?

11 A. No, it is not.

12 MR. FREEDMAN: Ms. Vela, can you please bring up P613  
13 only for the witness and counsel.

14 BY MR. FREEDMAN:

15 Q. See at the top it says: "Bitmessage settings," Dr. Wright?

16 A. I do.

17 MR. FREEDMAN: Ms. Vela, can you zoom out, please.

18 BY MR. FREEDMAN:

19 Q. And at the bottom, do you see it says: "Label equals Dave  
20 Kleiman" with a key public address on top?

21 A. I do.

22 MR. FREEDMAN: Your Honor, Plaintiffs offer P613 into  
23 evidence.

24 MS. MCGOVERN: Objection, Your Honor. Foundation,  
25 hearsay. Excuse me. Authenticity, foundation, hearsay, Your

1 Honor.

2 THE COURT: Can you go back to the --

3 MR. FREEDMAN: That's it, Your Honor.

4 THE COURT: With regard to the foundation, is that it?

5 MR. FREEDMAN: Your Honor, it's a file produced by the  
6 Defendant in discovery. It is code and shows control of  
7 Bitmessage keys. I mean ...

8 THE COURT: And the relationship to the Defendant is?

9 MR. FREEDMAN: It was produced by the Defendant, in  
10 his possession.

11 THE COURT: No, but the predicate for the introduction  
12 through this witness.

13 MR. FREEDMAN: I mean, it shows that he had control  
14 over Kleiman's --

15 THE COURT: Why don't you ask the question that would  
16 allow the introduction.

17 MR. FREEDMAN: One second, Your Honor. May I have one  
18 minute, Your Honor?

19 THE COURT: Certainly.

20 (Pause in proceedings.)

21 BY MR. FREEDMAN:

22 Q. Let me ask you two more questions, Dr. Wright.

23 MR. FREEDMAN: Ms. Vela, can you bring me to Page 3.

24 BY MR. FREEDMAN:

25 Q. And do you see three down, Dr. Wright, is your name? Craig



1 Wright?

2 A. Yes, but it's not my key.

3 Q. And it's got a Bitmessage public address on top of it. Do  
4 you see that?

5 A. I see that there's a public address that has been called my  
6 key but it's not my key.

7 Q. And, Dr. Wright, it says: "Private encryption key" and  
8 lists a number there. Do you see that?

9 A. Yes, I see that there's something that is not mine that  
10 someone has called mine.

11 MR. FREEDMAN: Ms. Vela, can you go back to Page 1.

12 BY MR. FREEDMAN:

13 Q. And, Dr. Wright, under "Dave Kleiman," you also have where  
14 it says "private encryption key." Do you see that?

15 A. I recognize that someone has typed: "Dave Kleiman."

16 Q. So, Dr. Wright, do you recognize this as a document in your  
17 possession which lists Bitmessage public addresses and supposed  
18 private keys to those Bitmessage addresses?

19 A. I do not. This has never been in my possession.

20 Q. Dr. Wright, do you see the Bates label on the bottom,  
21 Defense 00247440?

22 A. That includes machines other people had that never came to  
23 my possession.

24 Q. That your lawyers produced to us in discovery, correct?

25 A. My lawyers received 30 different people's devices. This

1 one's not from me.

2 MR. FREEDMAN: Your Honor, Plaintiffs offer P613 into  
3 evidence.

4 MS. MCGOVERN: Your Honor, the witness has not  
5 authenticated the document production. This does not -- is not  
6 tantamount to --

7 THE COURT: Objection is sustained.

8 BY MR. FREEDMAN:

9 Q. Dr. Wright, isn't it true you also had Dave Kleiman's  
10 private key to sign PGP messages?

11 A. No.

12 MR. FREEDMAN: Ms. Vela, can you please bring up P823.

13 BY MR. FREEDMAN:

14 Q. Dr. Wright, do you recognize this as a supposed email from  
15 Dave Kleiman to you?

16 A. Could be.

17 Q. Do you see -- and it mentions the amount of Bitcoin and the  
18 alleged amount of Bitcoin in a trust. Do you see that in the  
19 second-to-last paragraph?

20 A. I see that, yes.

21 MR. FREEDMAN: Your Honor, Plaintiffs offer P823 into  
22 evidence.

23 (Plaintiffs' Exhibit 823 received into evidence.)

24 THE COURT: Any objection?

25 MS. MCGOVERN: Objection, Your Honor. Authenticity.

1 They are challenging this document on authenticity grounds.

2 We --

3 THE COURT: Overruled. Admitted into evidence.

4 BY MR. FREEDMAN:

5 Q. Dr. Wright, this appears to be a message from Dave Kleiman  
6 to you, does it not?

7 A. It does.

8 Q. And, Dr. Wright, it is signed at the bottom with what  
9 appears to be a PGP key signature. Do you see that?

10 A. I can see that, yes.

11 Q. Dr. Wright, are you aware that Dr. Edman is going to  
12 testify this document is a forgery?

13 A. Yes. He's going to basically say a lot of things, yes.

14 Q. Did you forge this document and use this PGP key of Dave  
15 Kleiman's to forge this document?

16 A. I did not.

17 MR. FREEDMAN: You can take it down, Ms. Vela.

18 BY MR. FREEDMAN:

19 Q. Dr. Wright, the jury has seen a lot of documents in  
20 evidence about Satoshi Nakamoto, your and Dave Kleiman's  
21 partnership, joint mining and joint ownership of Bitcoin.  
22 Would you agree with that?

23 MS. MCGOVERN: Objection, Your Honor.

24 Mischaracterizes the record.

25 THE COURT: Overruled.

1 THE WITNESS: Not even close. I think it is the exact  
2 opposite. And by opposite, I mean so far distant, it's not  
3 funny.

4 BY MR. FREEDMAN:

5 Q. And, Dr. Wright, we haven't seen many emails between you  
6 and Dave Kleiman, correct?

7 A. Not many, no.

8 Q. And, in fact, Dr. Wright, you know Dr. Edman will testify  
9 that many of the supposed documents between you and Dave  
10 Kleiman -- many of the supposed emails, rather, between you and  
11 Dave Kleiman that do exist, are forgeries that you created,  
12 right?

13 MS. MCGOVERN: Objection, Your Honor. Foundation.  
14 Lack of predicate.

15 THE COURT: Overruled. I'll allow it.

16 THE WITNESS: No. What he will say is that they have  
17 been changed on about April 2014, which was the exact day where  
18 our corporation -- and this is public record -- rebuilt all of  
19 the email and servers because we had an administration event  
20 and got locked out of our office, one company.

21 And the lease company got locked out, and the other 17  
22 companies had to negotiate to get back in and rebuild the  
23 servers that were seized. So, from backups, all of the servers  
24 had to be rebuilt, the domain names changed from Hotwire to  
25 DeMorgan, and once you do that, metadata changes. So, what

1 he's going to say is I fraudulently changed all the documents  
2 because my staff came in and got my company working as quickly  
3 as they could so that I could keep paying my staff. That's my  
4 answer.

5 BY MR. FREEDMAN:

6 Q. Dr. Wright, in fact, your own counsel, Ms. McGovern, in her  
7 opening statement mentioned the fact that there was an absence  
8 of Bitcoin-related emails between you and Dave Kleiman, did she  
9 not?

10 MS. MCGOVERN: Objection, Your Honor. Misstates the  
11 record.

12 THE COURT: Overruled.

13 MS. MCGOVERN: Excuse me.

14 THE WITNESS: Just as Ira who has access to all of  
15 Dave's email brought none.

16 BY MR. FREEDMAN:

17 Q. Dr. Wright, Mr. Rivero, also your lawyer, spent a long time  
18 cross-examining Mr. Kleiman about the absence of these  
19 Bitcoin-related communications and documents, did he not?

20 A. Not really. A little while, but not -- no.

21 Q. And, in fact, Dr. Wright, Mr. Rivero spent a long time  
22 sharing emails between you and Dave Kleiman that did not relate  
23 to Bitcoin at all, didn't he?

24 A. I wouldn't say a long time.

25 Q. Dr. Wright, isn't it true that the absence of

1 Bitcoin-related emails between you and Dave Kleiman was by  
2 design?

3 A. No.

4 Q. And when I say that, Dr. Wright, I mean that you made sure  
5 there were no such documents left; isn't that correct?

6 A. No. I can't delete any of Dave Kleiman's emails. They  
7 were all available and all could have been accessed by Ira.

8 Q. Dr. Wright, you made sure to communicate with Dave Kleiman  
9 through means that would produce no record; isn't that correct?

10 A. At one point, I used -- what do you call it -- a few new  
11 tools. I've also used SMS, although SMS does have record. The  
12 phone would have had those records. And I believe Dave's phone  
13 was there. So technically if they're on his phone, there's a  
14 record.

15 Q. Dr. Wright, I'd like to take a look at what you said about  
16 these issues on your April 4th, 2019 deposition.

17 MS. MCGOVERN: Ms. Vela, can you please play for us  
18 clip number 31?

19 (Video played.)

20 BY MR. FREEDMAN:

21 Q. Dr. Wright are -- isn't it true that Dave's edits to the  
22 Satoshi client, the computer protocols and codes that people  
23 download and use to mine and use Bitcoin, he sent you those  
24 edits through IRC so there is no record of them? Isn't that  
25 correct?

1 A. There are two things there. One, IRC completes a complete  
2 chat log. It would not be public. When you type on IRC, the  
3 client creates a chat log and saves it to your machine of  
4 everything you send, type, et cetera.

5 So, although I don't have any records, Dave's machine would  
6 have every key stroke, every deletion, every file, every chat  
7 that he'd ever made on IRC. I can't delete it because I don't  
8 have his drives. If someone deleted it, that's a different  
9 thing.

10 Additionally, Dave has never programmed in C in his life --  
11 in C++ in his life. He has never developed any computer  
12 program that ever needs to be compiled. Dave is not a  
13 programmer. He could do very simple scripting in Perl with  
14 help, some very simple other things like that. He could never  
15 compile a program. He never trained in it, so no.

16 And the other thing is when you send something over IRC,  
17 like trying to code over, it will completely munge up all of  
18 the communication and lines.

19 C, C+ is a very complex language. It's -- there are a lot  
20 of links in there to binary files and codes, et cetera, in some  
21 of the older versions, and if you try and send these things  
22 that way, including to link libraries, it will destroy it  
23 because IRC is a pure text data hub so you can't actually do  
24 that. Sorry.

25 Q. Dr. Wright, we're going to get to coding and why Dave